

DAE
#9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/078,830 Confirmation No.:
Applicant : William Goggin et al.
Filed : February 19, 2002
Title : METHOD OF STORING TEST DATA IN A
FUEL DISPENSER
TC/A.U. : 3653
Examiner : Jeffrey A. Shapiro

Docket No. : HER0098
Customer No. : 0832

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

RENEWED PETITION UNDER 37 C.F.R. §1.137(b)

Responsive to the Decision dated July 6, 2007 dismissing the originally-filed Petition under 37 C.F.R. §1.137(b) that was filed on February 23, 2007, the undersigned respectfully submits the enclosed renewed Petition Under 37 C.F.R. §1.137(b) for reconsideration, along with the Declarations of the undersigned and Madam Livet Marie-José of Cabinet Herrburger, French counsel for the assignee and real party in interest in the present application, Tokheim Holding BV.

U.S. Patent Application Serial No. 11/710,643, filed on February 23, 2007 along with the initial Petition to revive, is a continuation application complying with the "reply" requirement of 37 C.F.R. §1.137(b)(1).

By way of an assignment recorded at Reel 012620, Frame 0026, on February 19, 2002, the inventors in the present application, William S. Goggin and William J. Myers, assigned their interest in the present application to Tokheim Corporation and, by way of an assignment recorded at Reel 015908, Frame 0280 on April 18, 2005, Tokheim Corporation in turn assigned the present application to the assignee and real party in interest in the present application, Tokheim Holding BV. Therefore, the inventors played no pertinent role in the prosecution of the present application after execution of the former above-identified Assignment.

Application Serial No. 10/078,830
Renewed Petition Under 37 C.F.R. § 1.137(b)

As will be apparent from the facts set forth in the attached Declarations, Mr. Randall J. Knuth was responsible for filing and prosecuting the present application, and clearly failed both to inform Cabinet Herrburger regarding the status of the present application in connection with the second, non-final Office Action mailed by the USPTO on March 23, 2004, and also to revive the present application as requested by Cabinet Herrburger after the present application became abandoned on September 23, 2004 for failing to respond to such Office Action.

The undersigned respectfully requests reconsideration of the present renewed Petition.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 02-0385, Baker & Daniels.

Respectfully submitted,



Anthony Niewyk
Registration No. 24,871

Attorney for Applicants

AN15/mt

BAKER & DANIELS LLP
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

Enc. Return Postcard

CERTIFICATION OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: October 2, 2007

ANTHONY NIEWYK, REG. NO. 24,871

Name of Registered Representative



Signature

October 2, 2007

Date

INITIAL SCREENING OF INCOMING PAPERS CHECKLIST

Reviewer: CP Date: 10/4/07

APPLICATION NO. 10/078830

1. PETITION TYPE CODE

 R137(a) Petition----- 501
 R137(a) Petition----- 509
 (Issue Fee/Dwgs)
✓ R137(b) Petition----- 502
 R137(b) Petition (IFEE/DWG)----- 510
 R53(e) Filing Date----- 412
 R137(f) Petition----- 536
 R183 Pet. (waive R67 sup. dec.)- 516
 R182 Petition-(inv. name chg., order
of inv., atty/assig. name chg., dup.
let. pat.) ----- 519
 R182 Petition - (omit.items
w/postcard) ----- 520
 R183(susp./waive ex. rule, R59)-503
 R378(b/e) Petition----- 532
 R378(c) Petition----- 533
 R377 Petition----- 521
 R381(b) Petition----- 523
 R181 Petition (rev. non-exam)--- 515
 R181 Petition (rev.exam) ----- 504

PETITION TYPE CODE

 R28c Petition (small to large)--- 321
 R28c Petition (large to small)--- 320
 R47 Petition----- 313
 R53 Petition(Lost App., postcard
rec., inc. by ref., conversions,
misnum/mislabel. dwgs----- 408
 R10(d) Exp. Mail FD (USPS)----- 411
 R10(c/e) Exp. Mail FD----- 416
 R53 Pet. conv. to/from prov.--- 527
 R78(a)(3)/(6)Petition----- 535
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 R705(b) PTA-Bef iss----- 550
 R705(d) PTA-Aft iss----- 551
 R705(c) Reinstate red. term.--- 552
 R701 PTE ----- 553
 Other-----

2. LIST PAPERS FILED WITH PETITIONS

<u> </u> PreAmdt/Amdt	<u> </u> CPA	<u> </u> Associate POA
<u> </u> Filing Fees	<u> </u> RCE	<u> </u> Terminal Disclaimer
<u> </u> Reply/Arguments	<u> </u> IDS	<u> </u> Change of Address
<u> </u> Election	<u> </u> 129(a) Submsn	<u> </u> Revocation/POA
<u> </u> Notice of Appeal	<u> </u> Issue Fee	<u> </u> Priority Documents
<u> </u> Brief (3)	<u> </u> Drawings	<u> </u> Request C of C
<u> </u> Reply Brief	<u> </u> Oath/Decl & POA	<u> </u> Rule 312 Amdt
<u> </u> Declaration R132	<u> </u> Ext Time ()	<u> </u> Statement 3.73b

Other Papers _____

3. Is paper a petition to withdraw holding of abandonment: yes no
If so, send paper and/or file to appropriate location (Note: remove any flag set first):

- a. Nonreceipt of action from TC or assertion that reply was timely filed:
Send paper to TC _____
- b. Nonreceipt of Missing Parts Notice or assertion that reply was timely filed:
Send paper to -OIPE - -CP2-5B26- - ATTN: Doshie Day
- c. Assertion of timely payment of issue fee and/or submission of drawings:
Send petition to Office of Publications: ATTN: Tom Hawkins
- d. Other _____

4. Other: _____
If not handled in Office of Petitions, send paper to appropriate location.

5. Is petition accompanied by assignment papers, fee address, or other paper which needs to be sent to another location? yes no If so, make copy of assignment papers, fee address, or other paper; mail original to proper location and place copy in file with an indication that the original paper(s) has been forwarded to the appropriate location (Assignment Branch; Maintenance Fee Division, etc.)



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/078,830 Confirmation No.:
Applicant : William Goggin et al.
Filed : February 19, 2002
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OFFICE OF PETITIONS

**DECLARATION OF ANTHONY NIEWYK IN SUPPORT OF PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

I, Anthony Niewyk, hereby declare as follows:

1. I am an attorney at the law firm of Baker & Daniels LLP ("Baker & Daniels"). My firm has been engaged by Cabinet Herrburger, French counsel for the assignee and real party in interest in the above-identified patent application, Tokheim Holding BV, to revive the present application.
2. The USPTO PAIR system indicates that on February 19, 2002, the present application was filed in the U.S. Patent and Trademark Office ("USPTO") by Mr. Randall J. Knuth ("Knuth").
3. The USPTO PAIR system indicates that between February 19, 2002 and October 7, 2003, the present application was examined by the USPTO.
4. The USPTO PAIR system indicates that on March 23, 2004, a second, non-final Office Action was mailed by the USPTO in the present application.

5. On September 23, 2004, the application became abandoned after 6 months for failure to respond to the second, non-final Office Action.
6. The USPTO PAIR system indicates that on October 18, 2004, the USPTO mailed a Notice of Abandonment in the present application.
7. On September 15, 2006, Cabinet Herrburger sent Baker & Daniels a letter requesting the status of a number of applications owned by, *inter alia*, Tokhiem Holding BV, the assignee and real party in interest in the present application. **(Exhibit 35)**. That inquiry included the present application.
8. That same day, September 15, 2006, Ms. Michelle Davis of Baker & Daniels sent a letter to Cabinet Herrburger indicating, *inter alia*, that the present application had become abandoned for failure to respond to an Office Action. **(Exhibit 36)**.
9. On October 27, 2006, Baker & Daniels received a letter from Cabinet Herrburger requesting a scale of fees in connection with Tokheim matters. **(Exhibit 37)**.
10. On October 30, 2006, I sent a letter to Cabinet Herrburger attaching information regarding the requested fees and inquiring as to whether Cabinet Herrburger wished Baker & Daniels to take action with respect to any of the abandoned Tokheim applications. **(Exhibit 38)**.
11. On November 13, 2006, Cabinet Herrburger sent a letter to Baker & Daniels requesting information regarding the procedure for reviving abandoned patent applications of Tokheim. **(Exhibit 39)**.
12. On November 27, 2006, I sent a letter to Cabinet Herrburger with information regarding the procedure for reviving abandoned applications. **(Exhibit 40)**.
13. On November 28, 2006, Cabinet Herrburger sent a letter to Baker & Daniels listing the present application as one of a number of applications that Tokheim wished to

Application No. 10/078,830
Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

revive and inquiring about documents necessary to effect such revivals. (**Exhibit 40**).


14. On December 27, 2006, Mr. Adam Cox of Baker & Daniels sent a letter to Cabinet Herrburger discussing in detail the various procedures for revival of the abandoned Tokheim applications depending on their relative status, as well as the materials that would be needed for reviving the applications, including the present application. (**Exhibit 42**).
15. On February 1, 2007, Cabinet Herrburger sent a letter to Baker & Daniels indicating that the letter of December 27, 2006 had been reviewed by Tokheim and that Tokheim was deciding whether to pursue revival of the various applications, including the present application. (**Exhibit 43**).
16. On February 22, 2007, Cabinet Herrburger sent a letter to Baker & Daniels authorizing Baker & Daniels to pursue revival of various applications of their client Tokheim, including the present application, by filing a petition with a continuation application. (**Exhibit 44**).
17. The next day, February 23, 2007, Baker & Daniels filed a Petition to revive the present application along with a continuation application in the USPTO.
18. Between February 23, 2007 and July 6, 2007, the Petition was reviewed by the USPTO.
19. On July 6, 2007, a Decision dismissing that Petition was mailed by the USPTO.
20. Between July 6, 2007 to present, Cabinet Herrburger and Baker & Daniels worked to locate the necessary evidence and to prepare the necessary materials for submitting a renewed Petition and Request for Reconsideration in the present application.

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Declaration in Support of Petition for Revival of an Application for
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21. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Date: October 2, 2007

By: 
Anthony Niewyk



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/078,830
Applicant : William Goggin et al.
Filed : February 19, 2002
Title : METHOD OF STORING TEST DATA IN A
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TC/A.U. : 3653
Examiner : Jeffrey A. Shapiro

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Docket No. : HER0098
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OFFICE OF PETITIONS

Commissioner for Patents
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**DECLARATION OF MADAM LIVET MARIE-JOSÉ IN SUPPORT OF PETITION FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

I, Madam Livet Marie-José, hereby declare as follows:

1. I am an attorney at the law firm of Cabinet Herrburger in Paris, France. My firm represents the assignee and real party in interest in the above-identified patent application, Tokheim Holding BV. Cabinet Herrburger will be collectively referred to hereinafter using the pronoun "we".
2. Our client Tokheim engaged Mr. Randall J. Knuth ("Knuth") as U.S. patent counsel to prosecute the present application. On February 19, 2002, Mr. Knuth filed the present application in the U.S. Patent and Trademark Office ("USPTO").
3. Between February 19, 2002 and October 7, 2003, the present application was examined by the USPTO.
4. On October 7, 2003, a non-final Office Action was mailed by the USPTO.

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Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

5. On November 21, 2003, we received a letter dated November 7, 2003 from Knuth with a copy of that Office Action along with a draft Amendment. (Exhibit 1).
6. On December 24, 2003, we sent Knuth a letter authorizing Knuth to file the Amendment responsive to the Office Action. (Exhibit 2).
7. On January 13, 2004, we received a letter dated January 6, 2004 from the office of Knuth informing us that the Amendment had been filed. That letter also included a debit note. (Exhibit 3).
8. On January 13, 2004, we sent a letter to Knuth inquiring as to whether that debit note was his final debit note in connection with his services in responding to the Office Action. (Exhibit 4).
9. As our letter of January 13, 2004 went unanswered, we sent the same letter again on February 3, 2004. (Exhibit 5).
10. That same day, we received a facsimile reply from the office of Knuth bearing the following hand-written inquiry: "Is this case to be abandoned?". (Exhibit 6).
11. That same day, we replied to Knuth that the application was not to be abandoned, but that we just wanted to draw up a single invoice for our client and that this was the reason for our prior question. (Exhibit 7).
12. On February 11, 2004, we received a letter from the office of Knuth replying to our earlier letter, indicating that the debit note was for all time and expenses for the most recent Office Action. (Exhibit 8).
13. On June 18, 2004, we received a letter from the office of Knuth dated June 14, 2004 to which another debit note was attached. (Exhibit 9).
14. On June 18, 2004, by return facsimile we asked the office of Knuth if this debit note referred to the reply to the Office Action of October 7, 2003. (Exhibit 10).

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Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

15. On July 8, 2004, given that this letter remained unanswered, we re-sent same to the office of Knuth. (Exhibit 11). On July 21, 2004, given that this letter still remained unanswered, we re-sent same a second time to the office of Knuth.
16. On August 2, 2004, as the office of Knuth had still not replied to our letter of June 18, 2004 and subsequent reminders, we sent an email to the office of Knuth with the same questions and informing them that this debit note should not have been made out since we already received a debit note on January 6, 2004 relating to the Office Action of October 7, 2003. (Exhibit 12).
17. On August 2, 2004, we received an automatic email reply informing us that Knuth would be out of the office from July 29 through August 9, 2004 and to send emails to jrwalker@rjkpc.com (Jennifer Walker). (Exhibit 13).
18. On August 2, 2004, we therefore re-sent the email to Jennifer Walker. (Exhibit 14).
19. On August 2, 2004, we received a facsimile from the office of Knuth informing us that the more recent debit note did not concern the Office Action of October 7, 2003, but rather concerned the Office Action of March 23, 2004. (Exhibit 15).
20. On August 3, 2004, further to the foregoing message, we sent a reply to the office of Knuth informing them that we did not understand their facsimile since we had never received the Office Action of March 23, 2004. The only Office Action that we had received was dated October 7, 2003. (Exhibit 16).
21. On August 3, 2004, we received an email from the office of Knuth forwarding the Office Action of March 23, 2004. (Exhibit 17).
22. On August 4, 2004, we sent an email to the office of Knuth asking if the Office Action of March 23, 2004 was still pending and if so, to communicate to us the deadline for the response or to inform us if they already replied to such Office Action. (Exhibit 18).

Application No. 10/078,830

Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

23. On August 27, 2004, as our email went unanswered, we sent another email to the Office of Knuth. (Exhibit 19). Thereafter, given that we had still not heard anything, on September 13, September 22, and September 23, 2004, we repeatedly re-sent that August 27, 2004 email by facsimile.
24. Unbeknownst to us, the present application became abandoned on September 23, 2004, after 6 months for failure to respond to the March 23, 2004 Office Action.
25. On October 7, 2004, we sent a letter to the office of Knuth asking why he had not replied to our numerous inquiries. (Exhibit 20).
26. On October 22, 2004, given that our letter of October 7, 2004 remained unanswered, we again forwarded that same letter to the office of Knuth. (Exhibit 21).
27. On October 29, 2004, we forwarded an email inquiry to Jennifer Walker at the office of Knuth. (Exhibit 22). Jennifer Walker announced to us in a subsequent email on that day, October 29, 2004, that the present application had become abandoned for failure to respond to the March 23, 2004 Office Action and inquired as to whether our client wished to file a petition for revival. However, we did not receive this response as the email was sent to an invalid email address. We finally learned of the foregoing in a another, forwarding email from Jennifer Walker sent to us on November 16, 2004.
28. On November 19, 2004, we sent a letter to the office of Knuth informing them as to our surprise that our several reminders remained unanswered, inquiring as to the applicable deadline for the revival procedure, and informing them that should our client decide to proceed with revival of the present application that the office of Knuth must bear the expenses. (Exhibit 23).
29. On November 24, 2004, we received an email from Jennifer Walker of the office of Knuth stating that she was on leave during the months of September and October and that the communications we sent during this time were not brought to the

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Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

attention of Knuth. Ms. Walker also stated that the office of Knuth would accept the revival costs. (Exhibit 24).

30. On November 25, 2004, we sent a letter to our client Tokheim explaining the situation. (Exhibit 25).
31. On November 29, 2004, we sent a letter to the office of Knuth to confirm our receipt of the email of November 24, 2004 from Jennifer Walker and informing her that we would inquire with our client Tokheim as to revival of the present application and that we were anticipating our client's reply. (Exhibit 26). We also indicated that we would be grateful if the office of Knuth could please make sure that no similar situation has occurred in the other cases of our client.
32. On January 11, 2005, we sent a letter to the office of Knuth stating that we had not yet received instructions from our client and inquiring as to the deadline for revival of the present application. (Exhibit 27).
33. On January 11, 2005, by return facsimile, we receive a message from the office of Knuth stating: "[w]e confirm that the deadline must be immediately. The sooner we take action the hire the success rate. Please confirm your instructions." (Exhibit 28).
34. On February 1, 2005, we sent a reminder letter to our client informing our client that we needed their reply as soon as possible. (Exhibit 29).
35. On February 2, 2005, we received an email from Jennifer Walker of the office of Knuth (with Knuth's printed name but unsigned) explaining to us the procedure and for revival. (Exhibit 30).
36. On February 4, 2005, we transmitted all this information to our client. (Exhibit 31).
37. March 4, 2005, further to a reminder from Jennifer Walker of the office of Knuth, we sent a reminder to our client. (Exhibit 32).

Application No. 10/078,830
Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

38. On March 21, 2005, we sent a message to the office Knuth by facsimile, by e-mail, and by regular mail instructing the office of Knuth to proceed with revival of the present application and that they would bear the expenses for such revival, as agreed. (Exhibit 33).
39. On March 21, 2005, we received an email from Jennifer Walker of the office of Knuth acknowledging the receipt of our letter of March 21, 2005 and confirming that she would immediately start the revival procedure. (Exhibit 34).
40. In March of 2006, we tried to obtain information from the office of Knuth relating to the present application and other applications of our client Tokheim. All of our attempts failed. We therefore decided in the fall of 2006 to draw up a list with all patent matters that had been handled by the office of Knuth for our client Tokheim and to forward them to Baker & Daniels LLP ("Baker & Daniels") in order to take stock of the situation.
41. On September 15, 2006, we sent Baker & Daniels a letter requesting the status of a number of applications owned by our client Tokheim, including the present application. (Exhibit 35).
42. That same day, September 15, 2006, Ms. Michelle Davis of Baker & Daniels sent a letter to us indicating, *inter alia*, that the present application had become abandoned for failure to respond to an Office Action. (Exhibit 36).
43. On October 27, 2006, we sent a letter to Baker & Daniels requesting a scale of fees in connection with Tokheim matters. (Exhibit 37).
44. On October 30, 2006, Mr. Anthony Niewyk of Baker & Daniels sent us a letter attaching information regarding the requested fees and inquiring as to whether we wished to have Baker & Daniels to take action with respect to any of the abandoned Tokheim applications. (Exhibit 38).

Application No. 10/078,830

Declaration in Support of Petition for Revival of an Application for
Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)

45. On November 13, 2006, we sent a letter to Baker & Daniels requesting information regarding the procedure for reviving abandoned patent applications of Tokheim. (Exhibit 39).
46. On November 27, 2006, Mr. Anthony Niewyk of Baker & Daniels sent a letter to us with information regarding the procedure for reviving abandoned applications. (Exhibit 40).
47. On November 28, 2006, we sent a letter to Baker & Daniels listing the present application as one of a number of applications that Tokheim wished to revive and inquiring about documents necessary to effect such revivals. (Exhibit 41).
48. On December 27, 2006, Mr. Adam Cox of Baker & Daniels sent a letter to us discussing in detail the various procedures for revival of the abandoned Tokheim applications depending on their relative status, as well as the materials that would be needed for reviving the applications, including the present application. (Exhibit 42).
49. On February 1, 2007, we sent a letter to Baker & Daniels indicating that their letter of December 27, 2006 had been reviewed by our client Tokheim and that Tokheim was deciding whether to pursue revival of the various applications, including the present application. (Exhibit 43).
50. On February 22, 2007, we sent a letter to Baker & Daniels authorizing Baker & Daniels to pursue revival of various applications of our client Tokheim, including the present application, by filing a petition with a continuation application. (Exhibit 44).
51. The next day, February 23, 2007, Baker & Daniels filed a Petition to revive the present application along with a continuation application in the USPTO.
52. Between February 23, 2007 and July 6, 2007, that Petition was reviewed by the USPTO.

Application No. 10/078,830

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53. On July 6, 2007, a Decision dismissing that Petition was mailed by the USPTO.
54. Between July 6, 2007 to the present, we and Baker & Daniels worked to locate the necessary evidence and to prepare the necessary materials for submitting a renewed Petition and Request for Reconsideration in the present application.
55. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Date: 10/2/07

By: Marie José Livet
Madam Livet Marie-José

Randall J. Knuth, P.C.

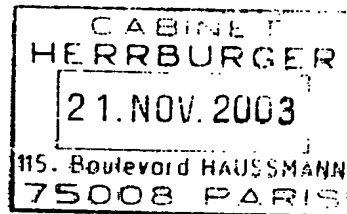
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November 7, 2003

Tokheim Holding B.V.
c/o Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE



RE: U.S. Patent Application No. 10/078,830
Title: METHOD OF STORING TEST DATA IN A FUEL DISPENSER
Our Ref: TOK00-034

Dear Mr. Herrburger:

07/10/03

Enclosed herewith please find your copy of an Office Action which we have received from the U.S. Patent and Trademark Office in the above-identified case.

Also enclosed herewith is a copy of a draft response to that Office Action.

A response to this outstanding Office Action is due on or before January 7, 2004, in order to avoid incurring extension fees.

We look forward to receiving your authorization to file the above-mentioned draft response and/or any comments you may have regarding it.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Randall J. Knuth

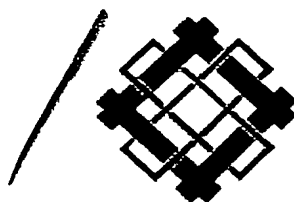
RJK/mdc10
Enc: As mentioned above
CC: Jean-Pierre Nitecki

4

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

BY FACSIMILE N° 260-486-2794

RANDALL J. KNUTH P.C.
 Patent Attorney
 3510-A Stelhorn Road
 FORT-WAYNE, IND. 46815
 U.S.A.

Votre Réf. : TOK00-034

Paris le December 24, 2003

Notre Réf. : I/MJL/IR

US Patent Application N° 10/078 830*Title : METHOD OF STORING TEST DATA IN FUEL DISPENSER***TOK00-034**

Dear Sir,

We acknowledge receipt of your letter of November 07, 2003.

Please answer the present Decision in accordance with the terms of your letter.

We thank you for your co-operation
 and remain

Yours faithfully

CABINET HERRBURGER

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 International +33 1 44 51 68 00 International +33 1 47 42 63 98 & +33 1 44 51 68 19

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—
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—

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

A TRADUIRE EN ANGLAIS

TELECOPIE N° 260-486-2794

RANDALL J. KNUTH P.C.
Patent Attorney
3510-A Stelhorn Road

FORT-WAYNE, IND. 46815
ETATS UNIS

Paris le December 23, 2003

Votre Réf. : TOK00-034

Notre Réf. : I/MJL/IR

US Patent Application No. 10/078 830

Title : METHOD OF STORING TEST DATA IN A FUEL DISPENSER

TOK00-034

Messieurs,

Nous accusons réception de votre courrier du 7 novembre dernier.

Nous vous serions reconnaissants de bien vouloir répondre à la présente décision selon les termes de ce courrier.

Nous vous remercions de vos bons soins dans cette affaire.

Nous vous prions de croire, Messieurs, à l'expression de nos salutations distinguées.

CABINET HERRBURGER

Téléphone 01 44 51 68 00
International +33 1 44 51 68 00
<http://www.herrburger.com>
<http://www.herrburger.fr>

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Chèques Postaux
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75440 - PARIS Cedex
Compte 012116H0784 74

E-mail : info@herrburger.com info@herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

*** RAPPORT D'EMISSION ***


Nom : CABINET HERRBURGER

Numéro : 01 47 42 63 98

Date : 26-12-03 16:39

Date/Heure	26-12 16:38
Numéro composé	0012194862794
Durée	0'00"
Mode	
Pages	0
Résultat	Code 01

*** Code 01 : Occupé ou pas de réponse fax ***



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
CABINET HERRBURGER
 Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets
 115, Boulevard Haussmann - 75008 PARIS

Fondé en 1888

—

ANCIENNEMENT
Cabinet
BERT, DE KERVENNANT
HERRBURGER

—

Votre Réf. : TOK00-034

Notre Réf. : I/MJL/IR

BY FACSIMILE N° 260-486-2704

RANDALL J. KNUTH P.C.
 Patent Attorney
 3810-A Steilhorn Road
 FORT-WAYNE, IND. 46818
 U.S.A.

Paris le December 24, 2003

US Patent Application N° 10/078 830
 Title : *METHOD OF STORING TEST DATA IN FUEL DISPENSER*

TOK00-034

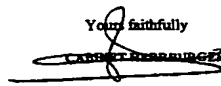
Dear Sir,

We acknowledge receipt of your letter of November 07, 2003.

Please answer the present Decision in accordance with the terms of your letter.

We thank you for your co-operation
and remain

Yours faithfully



Téléphone 01 44 61 63 00 Télécopie 01 47 42 63 98 & 01 44 61 63 19 Cédexes Postales 3 rue des Minimes
 International +33 1 44 61 63 00 International +33 1 47 42 63 98 & +33 1 44 61 63 19 Paris 7540-29 W 75400 - PARIS Cedex
<http://www.herrburger.fr> E-mail : info@herrburger.com info@herrburger.fr Compte 0121 1902794 74
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*** RAPPORT D'EMISSION ***


Nom : CABINET HERRBURGER

Numéro : 01 47 42 63 98

Date : 26-12-03 16:02

Date/Heure	26-12 16:00
Numéro composé	0012604862794
Durée	0' 00"
Mode	
Pages	0
Résultat	Code 01

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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
CABINET HERRBURGER
 Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets
 115, Boulevard Haussmann - 75008 PARIS

Fondé en 1885

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ANCIENNEMENT
Cabinet
BERT, DE KERAUENANT
HERRBURGER

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BY FACSIMILE N° 260-486-2794

RANDALL J. KNUTH P.C.
 Patent Attorney
 3510-A Stallhorn Road
 FORT-WAYNE, IND. 46815
 U.S.A.

Votre RM : TOK00-034

Paris le December 24, 2003

Notre RM : I/MJL/IR

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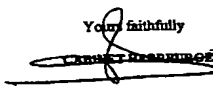
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Paris 340-29 W

Banque de Brestagne Brest
3 rue des Mathématiques
75040 - PARIS Cedex
Compte 0121 5502794 74


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 30-12-03 09:11

Date/Heure	30-12 9:10
Numéro composé	00012604862794
Correspondant	260 486 2794
Durée	0' 27"
Mode	NORMAL
Pages	1
Résultat	Correct



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
CABINET HERRBURGER
 Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets
 115, Boulevard Haussmann - 75008 PARIS

Fondé en 1885

—

ANCIENNEMENT
 CABINET
 BERT, DE KERAVENANT
 HERRBURGER

—

Votre Réf. : TOK00-034

Notre Réf. : I/MIL/IR

BY FACSIMILE N° 260-486-2794

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 Patent Attorney
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 FORT-WAYNE, IND. 46815
 U.S.A.

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TOK00-034

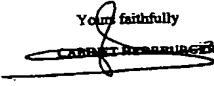
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Téléphone 01 44 51 68 00 International +33 1 44 51 68 00 http://www.herrburger.com http://www.bertburger.fr Membres d'une Association Agréée - ARA-PI - Le règlement des honoraires par chèque est accepté	Télécopie 01 47 42 63 96 International +33 1 47 42 63 96 E-mail : info@herrburger.com info@herrburger.fr	01 44 51 68 19 International +33 1 44 51 68 19 Chèques Postaux Paris 344-20 W Banque de France 3 rue des Mathurins 75000 - PARIS Cedex Compte 012110402704 74
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6

Randall J. Knuth, P.C.

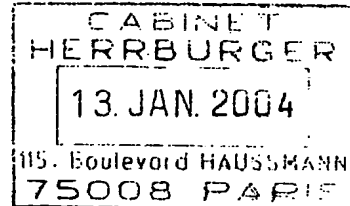
Patent Attorney
A Professional Corporation
3510-A Stelhorn Road
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www.rikpc.com

Randall J. Knuth
email: rjknuth@rikpc.com

Telephone: 260-485-6001
Facsimile: 260-486-2794

January 6, 2004

Tokheim Holding B.V.
C/O Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE



RE: U.S. Patent Application Serial No. 10/078,830
TITLE: Method of Storing Test Data in a Fuel Dispenser
OUR REF.: TOK00-034

Dear Mr. Herrburger:

Enclosed herewith please find your file copy of the Response, which was filed with the U.S. Patent and Trademark Office on January 5, 2004, for the above-identified case.

Additionally, enclosed herewith please find an invoice for our services. The total charge for this invoice is Eighty-Six Dollars and Ninety-Five Cents (\$86.95 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Lorey E. Cooper
for Randall J. Knuth

RJK/tec

Enclosures: As mentioned above
Invoice No. 2947

CC: Jean-Pierre Nitecki

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Applicant)	
William Goggin et al)	Art Group: 3653
Serial No.: 10/078,830)	Examiner: Shapiro, Jeffery A
Filing Date: February 19, 2002)	
Title: METHOD OF STORING TEST DATA)	Docket No.: TOK00-034
IN A FUEL DISPENSER)	Customer No.: 022855
)	
)	Confirmation No.: 6585

RESPONSE

Mail Stop: Non-Fee Amendment
HON. COMMISSIONER FOR PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Office Action dated October 7, 2003, having a due date of
January 7, 2004, Applicant hereby submits the following:

Amendments to the Specification: None

Amendments to the Claims: None

Amendments to the Drawings: None

Remarks/Arguments begin on page 2 of this paper.

Application No.: 10/078,830
Amendment Dated January 5, 2004
Reply to Office Action dated: October 7, 2003

Attorney Docket No.: TOK00-034

REMARKS

Claims 1-18 are pending and rejected in this application.

Responsive to the rejection of claims 1-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,423,457 (Nicholas et al), Applicants hereby respectfully traverse this rejection and submit that claims 1-18 are in condition for allowance in the present form.

Applicants submit that the Examiner has not presented a proper rejection of claims 1-18 under 35 U.S.C. § 103(a). Specifically, the Examiner has not set forth any particular element or elements that is/are not anticipated by Nicholas et al. For a rejection to be proper under 35 U.S.C. § 103(a), the differences between the prior art and the claimed subject matter must be pointed out, and then the Examiner must present a convincing argument why such differences would have been obvious to one of ordinary skill in the art at the time the invention was made. Given the ambiguity associated with the present prior art rejection based upon Nicholas et al '457,

Applicants submit that it would not be proper for the next Office Action to be made Final, even if a rejection based solely upon Nicholas et al '457 is maintained, whether under 35 U.S.C. § 102(b) or § 103(a).

Claims 1 and 13 each recite in part:

storing...data to a non-volatile memory within said fuel dispenser.

Similarly, claim 5 recites in part:

a non-volatile storage means for storing...data within said fuel dispenser...

Applicants submit that such an invention is neither taught, disclosed, nor suggested by Nicholas et al '457 or any of the other cited references, alone or in combination.

Nicholas et al '457 discloses a block diagram (Fig. 1) of the various elements of a refueling system at a retail petroleum site. This system includes a number of fuel product dispensers 10 (i.e., gas pumps) connected to a point of sale ("POS") site controller 15. Such a POS site controller 15 is generally located in a service building (not shown). A dispenser controller 17 provides the interface between a plurality of dispensers 10 and a POS system including POS terminal 18 and site controller 15. POS site controller 15 (as better seen from Fig. 2) performs all of the computational aspects of the system which are key to the invention of Nicholas et al. Controller 15 of Nicholas et al contains a central processing unit ("CPU") 22, a memory 24 for program and short term data storage, a disk controller 32 for archival storage of data on disk, a printer interface 26, a video controller for connection to a video display 30, and a serial communications controller 31. Serial communications controller 31 acts as the interface between site controller 15 to other components of the system, including a modem 21 and dispenser controller 17.

Nicholas et al further states that it is this combination of elements within site controller 15 that enables the system to give an operator of the system realtime loss analysis. The benefits provided by this arrangement, according to Nicholas et al, are in the ability of the system to capture and analyze data from the various elements in a coordinated manner, not otherwise provided for by prior art systems. As such, it can be

Application No.: 10/078,830
Amendment Dated January 5, 2004
Reply to Office Action dated: October 7, 2003

Attorney Docket No.: TOK00-034

seen that data storage functions for the refueling system of Nicholas et al '457 are specifically and advantageously provided by memory 24 and disk controller 32 within site controller 15 and not at the individual pumps 10. Thus, Nicholas et al '457 fails to teach or suggest the present invention as set forth in independent claims 1, 5, and/or
5 13.

Furthermore, the overall software structure (Fig. 3) for the POS system of Nicholas et al includes a data acquisition module 42, a dispenser interface module 44, and an automatic tank gauge ("ATG") interface module 46. Data acquisition module 42 collects dispenser and tank information from dispenser interface module 44 and ATG
0 module 46 based on dispenser events and time, and places such data in a disk file for later processing by a data analysis module 47. The main purpose of dispenser interface module 44 is to control the operation of dispensers and to provide information to operating system 40 from dispensers 10 for use in processing sales and product dispensed therefrom. Such disclosure provided by Nicholas et al '457 serves to

5 reinforce the previous indication within the reference that the data storage and manipulation functions occur outside of dispensers 10. Therefore, Nicholas '457 clearly fails to teach or suggest the present invention as set forth in each of claims 1, 5, and 13.

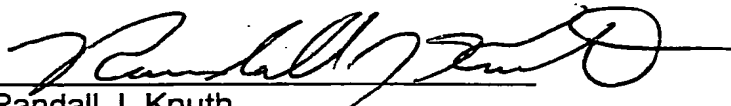
For all the foregoing reasons, Applicants submit that claims 1, 5, and 13, and those claims depending therefrom, are now in condition for allowance and hereby
10 respectfully request that the rejection thereof based upon Nicholas et al '457 be withdrawn.

Application No.: 10/078,830
Amendment Dated January 5, 2004
Reply to Office Action dated: October 7, 2003

Attorney Docket No.: TOK00-034

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,


Randall J. Knuth
Registration No. 34,644

RJK/mdc10

Encs: Explanatory Cover Sheet Page 1

Customer No. 022855
RANDALL J. KNUTH, P.C.
3510-A Stellhorn Road
Fort Wayne, IN 46815-4631
Telephone: 260/485-6001
Facsimile: 260/486-2794

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: January 5, 2004.

Randall J. Knuth, Registration No. 34,644
Name of Registered Representative


Signature

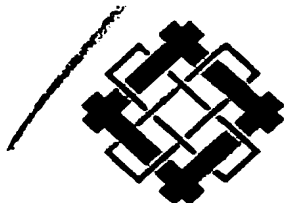
January 5, 2004
Date

7

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

CONFIRMATION**TELECOPIE N° 260-486-2794**

RANDALL J. KNUTH P.C.
 Patent Attorney
 3510-A Stellhorn Road

FORT-WAYNE, IND. 46815
 ETATS UNIS

Votre Réf. : TOK00-034

Paris le January 13, 2004

Notre Réf. : I/PH/pg

US Patent Application N°10/078 830**Title: Method of storing test data in fuel dispenser****TOK00-34**

Dear Sirs,

We acknowledge receipt of your letter dated January 6, 2004 including your invoice N° 2947.

Could you please indicate us if this is your **FINAL** debit note concerning this matter.

Very truly yours.



CABINET HERRBURGER


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 47 42 63 98

Date : 13-01-04 14:10

Date/Heure	13-01 14:10
Numéro composé	0012604862794
Correspondant	260 486 2794
Durée	0'26"
Mode	NORMAL
Pages	1
Résultat	Correct



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HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75006 PARIS

TELECOPIE N° 260-486-2794

Votre Réf. : TOK00-034
 Notre Réf. : I/PH/pg

Paris le January 13, 2004

US Patent Application N°10/078 830
 Title: Method of storing test data in fuel dispenser


TOK00-34

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International +33 1 44 51 68 00	International +33 1 47 42 63 98 & +33 1 44 51 68 19	Paris 945-28 W	1 rue des Mathématiques
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Paris le ~~January 13, 2004~~
February 3, 2004

Notre Réf. : L/PH/pg

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***** RAPPORT D'EMISSION *****

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 03-02-04 16:48

Date/Heure	3-02 16:47
Numéro composé	00012604862794
Correspondant	260 486 2794
Durée	0' 28"
Mode	NORMAL
Pages	1
Résultat	Correct



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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

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February 3, 2004

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Title: Method of storing test data in fuel dispenser

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--	--	---

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Fax émis par : 01 44 51 68 19

CABINET HERRBURGER

03/02/04 16:47

Pg: 1/1



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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

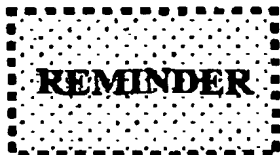
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TELECOPIE N° 260-486-2794

RANDALL J. KNUTH P.C.
Patent Attorney
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FORT-WAYNE, IND. 46815
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**Is this case to be
abandoned?**

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International +33 1 44 51 68 00
<http://www.herrburger.com>
<http://www.herrburger.fr>

Téléfax 01 47 42 63 98 &
International +33 1 47 42 63 98 & +33 1 44 51 68 19

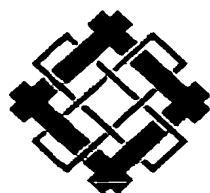
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Compte 01211640784 74

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CABINET HERRBURGER

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 Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

CONFIRMATION



TELECOPIE N° 260-486-2794

RANDALL J. KNUTH P.C.
 Patent Attorney
 3510-A Stellhorn Road

FORT-WAYNE, IND. 46815
 ETATS UNIS

Votre Réf. : TOK00-034

Paris le ~~January 13, 2004~~
 February 3, 2004

Notre Réf. : I/PH/pg

US Patent Application N°10/078 830
Title: Method of storing test data in fuel dispenser

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CABINET HERRBURGER

This case is not to be abandoned.

We just would like to know if there will be other bills or if your invoice n° 2947 of January 6 will be the last.

We have to send our own debit note to the client in this matter.

THANK YOU


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 03-02-04 17:04

Date/Heure	3-02 17:03
Numéro composé	00012604862794
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Pages	1
Résultat	Correct



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Cabinet
BERT, DE KERAVENANT
HERRBURGER

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CABINET HERRBURGER

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115, Boulevard Haussmann - 75008 PARIS

TELECOPIE N° 260-486-2794

Votre Réf. : TOK00-034

Notes Réf. : I/PH/pg

Perle le January-12, 2004
February 3, 2004

US Patent Application N°10/078 830
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THANK YOU

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International +33 1 44 51 68 00 International +33 1 47 42 63 98 A +33 1 44 51 68 19

http://www.herrburger.com E-mail : info@herrburger.com info@herrburger.fr

http://www.herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

Agence de Brevets Berts
2 rue des Mathématiques
75040 - PARIS Cedex
Compte 0121 1040704 34

¹¹
Randall J. Knuth, P.C.

EXHIBIT 8

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www.rjkpc.com

Randall J. Knuth
email: rjknuth@rjkpc.com

Telephone: 260-485-6001
Facsimile: 260-486-2794

February 11, 2004

VIA FACSIMILE

Cabinet Pierre Herrburger
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75008 Paris
FRANCE

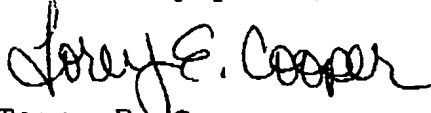
RE: U.S. Patent Application Serial No. 10/078,830
TITLE: Method of Storing Test Data in Fuel Dispenser
OUR REF.: TOK00-034
INVOICE NO. 2947

Dear Mr. Herrburger:

The above stated Invoice No. 2947 is not the final debit note for the above identified case. This is all of our time and expenses for the most recent action for this case.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Torey E. Cooper
Bookkeeper

TEC

13

Randall J. Knuth, P.C.

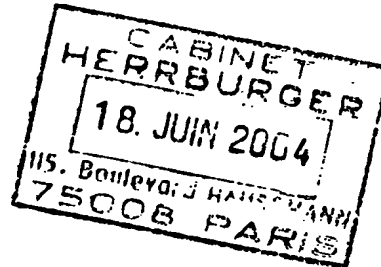
Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
email: rjknuth@rjkpc.com

Telephone: 260-484-4526
Facsimile: 260-484-0185

June 14, 2004

Tokheim Holding B.V.
C/O Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE



RE: Invoice No. 3414

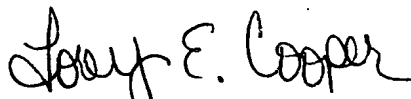
Dear Mr. Herrburger:

Enclosed herewith please find the invoice for our services for Tokheim Holding B.V. matter TOK00-034.

The total charge for this invoice is Sixty Dollars (\$60.00 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,


Torey E. Cooper
Bookkeeper

TEC
Enclosure: Invoice No. 3414

14
Randall J. Knuth, P.C.

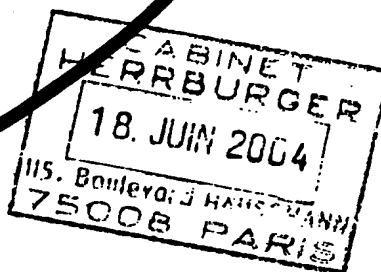
Patent Attorney
 A Professional Corporation
 4921 DeSoto Drive
 Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
 email: rjknuth@rjkpc.com

Telephone: 260-484-4526
 Facsimile: 260-484-0185

June 14, 2004

Tokheim Holding B.V.
 C/O Cabinet Pierre Herrburger
 115, Boulevard Haussmann
 75008 Paris
 FRANCE



RE: Invoice No. 3414

Dear Mr. Herrburger:

Enclosed herewith please find the invoice for our services for Tokheim Holding B.V. matter TOK00-034.

The total charge for this invoice is Sixty Dollars (\$60.00 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Torey E. Cooper

Torey E. Cooper
 Bookkeeper

TEC
 Enclosure: Invoice No. 3414

I/NO/CC PARIS, June 18, 2004

is this invoice concern the
 OFFICE Action dated October 7, 2003?
 (Response on January 5, 2004)
 Thank you very much for your answer -
 Sincerely Yours.

Cabinet HERRBURGER
 115, Bd Haussmann
 75008 PARIS

Randall J. Knuth, P.C.

4921 DeSoto Drive
Fort Wayne, IN 46815

Invoice

DATE	INVOICE #
6/14/2004	3414

BILL TO
Tokheim Holding B.V. C/O Cabinet Pierre Herrburger 115, Boulevard Haussmann 75008 Paris FRANCE

TITLE
Method of Storing Test Data in a Fuel Dispenser

TERMS	PO NUMBER	I.D. Code
Net 45		TOK00-034

QUANTITY	ITEM CODE	DESCRIPTION	PRICE EACH	DATE	AMOUNT
0.3	TOKHEIM CO...	Receive and Review Office Action and Cited References from U.S. Patent and Trademark Office.	200.00	4/5/2004	60.00

Thank you for your business.

Total

\$60.00

*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 18-06-04 11:55

Date/Heure	18-06 11:54
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	0' 43"
Mode	NORMAL
Pages	2
Résultat	Correct

Randall J. Knuth, P.C.

Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Telephone: 260-484-4526
Facsimile: 260-484-0185

Randall J. Knuth
email: rjknuth@rjkpc.com

June 14, 2004

Tokheim Holding B.V.
C/O Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Enclosed herewith please find the invoice for our services for Tokheim Holding B.V. matter TOK00-034.

The total charge for this invoice is Sixty Dollars (\$60.00 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Torey E. Cooper
Torey E. Cooper
Bookkeeper

TEC
Enclosure: Invoice No. 3414

to

Knuth

CABINET
HERRBURGER
18. JULY 2004
115, Boulevard Haussmann
75008 PARIS

I/NO/CC Paris, June 18, 2004

is this invoice concern the
OFFICE Action dated October 7, 2003?
(Response on January 5, 2004)
Thank you very much for your answer -
Sincerely Yours.

Cabinet HERRBURGER
115, Bd Haussmann
75008 PARIS

Fax émis par : 01 44 51 48 19

CABINET HERRBURGER

18/06/04

11:54

Pg: 1/2

15-16

Randall J. Knuth, P.C.

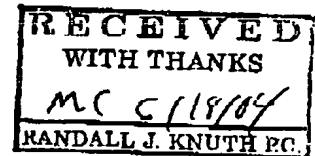
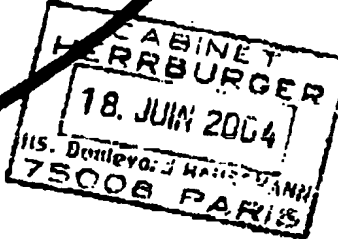
Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
email: rjknuth@rjkpc.com

Telephone: 260-484-4526
Facsimile: 260-484-0185

June 14, 2004

Tokheim Holding B.V.
C/O Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE



RE: Invoice No. 3414

Dear Mr. Herrburger:

Enclosed herewith please find the invoice for our services for Tokheim Holding B.V. matter TOK00-034.

The total charge for this invoice is Sixty Dollars (\$60.00 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Torey E. Cooper
Torey E. Cooper
Bookkeeper

REMINDED
JULY 8, 2004
JULY 21, 2004

TEC

Enclosure: Invoice No. 3414

I/NO/CC PARIS, June 18, 2004

is this invoice concern the
Office Action dated October 7, 2003?
(Response on January 5, 2004)
Thank you very much for your answer -
Sincerely Yours.

Cabinet HERRBURGER
115, Bd Haussmann
75008 PARIS

*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 21-07-04 10:35

Date/Heure	21-07 10:34
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	1' 15"
Mode	NORMAL
Pages	1
Résultat	Correct

Randall J. Knuth, P.C.
 Patent Attorney
 A Professional Corporation
 4921 DeSoto Drive
 Fort Wayne, Indiana 46815
 www.rjkpc.com
 Telephone: 200-424-1528
 Facsimile: 200-424-0185

June 14, 2004

Tolheim Holding B.V.
 2000 Tolheim-Herrburger
 1100, Boulevard-Hausmann
 75008 Paris
 FRANCE

Enclosed herewith please find the invoice for our services for Tolheim Holding.
 The total charge for this invoice is Forty Dollars (\$40.00 U.S.).
 If you have any questions, please do not hesitate to contact me.

Very truly yours,
Tony E. Cooper
 Tony E. Cooper
 Paralegal

I/NO/CC Paris, June 15, 2004

We think invoice concern the
 Office Action dated October 7, 2003?
 (Response on January 5, 2004)
 Thank you very much for your answer.

Sincerely Yours
 Cabnet HERRBURGER
 110, Boulevard-Hausmann
 75008 Paris

RECEIVED
 WITH THANKS
 M. C. LLOYD
 RANDOLPH KNUTH P.C.

18 JUN 2004
 RANDOLPH J. KNUTH
 75008 PARIS

*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 08-07-04 10:10

Date/Heure	8-07 10:09
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	1' 01"
Mode	NORMAL
Pages	1
Résultat	Correct

Personnel - 01 44 51 68 19 CREDIT HERRBURGER 08/07/04 10:10 Pg: 1/2

Randall J. Knuth, P.C.

Plaint Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Worth, TX 76115
www.rjkpc.com

Randall J. Knuth
Email: rjkpc@rjkpc.com

Telephone: 280-484-4326
Facsimile: 280-484-0185

June 14, 2004

to

Knuth

CABINET HERRBURGER
18 JUN 2004
Ms. Randall J. Knuth-Vice
75008 PARIS

RECEIVED
WITH THANKS
MC GILL
RANDALL J. KNUTH

Tekheim Holding B.V.
C/O Cabinet Pierre Herrburger
1157 Boulevard Houssmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Enclosed herewith please find the invoice for our services for Tekheim Holding B.V. under TOKID-034.

The total charge for this invoice is Fifty Ninety (\$50.00 U.S.).

If you have any questions, please do not hesitate to contact me.

Very truly yours,
Tony E. Cooper
Tony E. Cooper
Barrister-at-Law

REMINDED
July 8, 2004

REC
Enclosure: Invoice No. 3414 I/NO/CC Paris, June 18, 2004

Is this invoice concern the
OFFICE Action dated October 7, 2003?
(Response on January 5, 2004)
Thank you very much for your answer.

Sincerely Yours. Cabinet HERRBURGER
115, Bd Houssmann
75008 PARIS

17

CABINET HERRBURGER**EXHIBIT 12**

De : "CABINET HERRBURGER" <info@herrburger.com>
 À : <rjknuth@rjkpc.com>
 Envoyé : lundi 2 août 2004 14:39
 Objet : INVOICE No. 3414

TOK00-034 TOKHEIM CORPORATION

INVOICE No. 3414 OF 6/14/2004

Dear Sir,

We refer to our facsimile message of July 8, 2004 and its reminder of July 21, 2004.

We only want to know if the invoice No. 3414 concerns the Office Action dated October 7, 2003.

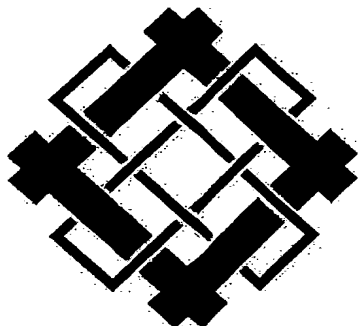
We are surprised because we have received copy of the response and the invoice No. 2947 the January 6, 2004.

We thank you for your explanation.

We remain,

Very Truly Yours.

Cabinet HERRBURGER.



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

Cabinet HERRBURGER

Conseils en Propriété Industrielle

Mandataires agréés auprès de l'Office Européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Téléfax +33 1 44 51 68 19 - +33 1 47 42 63 98

Téléphone : +33 1 44 51 68 00

<http://www.herrburger.com> - <http://www.herrburger.fr>
info@herrburger.com - info@herrburger.fr

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Merçi.

This e-mail is confidential and intended only for the addressee(s) shown. If you are not an intended recipient, please be advised that any use, dissemination, forwarding or copying of this e-mail is strictly prohibited. The sender does not accept liability for errors or omissions in the contents arising from transmission. Should you receive this transmission in error, please notify the sender immediately.

Thank you.

CABINET HERRBURGER**EXHIBIT 13**

De : <rjknuth@rjkpc.com>
À : <info@herrburger.com>
Envoyé : lundi 2 août 2004 14:39
Objet : Re: INVOICE No. 3414

I will be out of the office from July 29 through August 9, 2004. If you need immediate assistance please send an email to jrwalker@rjkpc.com

19

CABINET HERRBURGER**EXHIBIT 14**

De : "CABINET HERRBURGER" <info@herrburger.com>
 À : <jrwalker@rjkpc.com>
 Envoyé : lundi 2 août 2004 14:56
 Objet : Fw: INVOICE No. 3414

----- Original Message -----

From: **CABINET HERRBURGER**
 To: rjknuth@rjkpc.com
 Sent: Monday, August 02, 2004 2:39 PM
 Subject: INVOICE No. 3414

TOK00-034 TOKHEIM CORPORATION

INVOICE No. 3414 OF 6/14/2004

Dear Sir,

We refer to our facsimile message of July 8, 2004 and its reminder of July 21, 2004.

We only want to know if the invoice No. 3414 concerns the Office Action dated October 7, 2003.

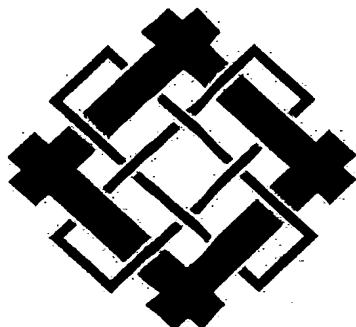
We are surprised because we have received copy of the response and the invoice No. 2947 the January 6, 2004.

We thank you for your explanation.

We remain,

Very Truly Yours.

Cabinet HERRBURGER.



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

Cabinet HERRBURGER

Conseils en Propriété Industrielle

Mandataires agréés auprès de l'Office Européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Téléfax +33 1 44 51 68 19 - +33 1 47 42 63 98

Téléphone : +33 1 44 51 68 00

<http://www.herrburger.com> - <http://www.herrburger.fr>
info@herrburger.com - info@herrburger.fr

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Merci.

This e-mail is confidential and intended only for the addressee(s) shown. If you are not an intended recipient, please be advised that any use, dissemination, forwarding or copying of this e-mail is strictly prohibited. The sender does not accept liability for errors or omissions in the contents arising from transmission. Should you receive this transmission in error, please notify the sender immediately.

Thank you.

02/08/2004

20

EXHIBIT 15

Randall J. Knuth, P.C.

Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
Email: rjknuth@rjkpc.com

Telephone: 260-484-4526
Facsimile: 260-484-0185

August 02, 2004

VIA FACSIMILE

Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Thank you for your facsimile dated June 18, 2004, and reminder facsimiles dated July 8, 2004, and July 21, 2004, concerning the above-identified invoice.

This Invoice No. 3414 concerns receiving and reviewing an Office Action dated March 23, 2004, NOT October 7, 2003.

If you have any questions, please do not hesitate to contact me.

Please confirm receipt of this facsimile via return facsimile.

Very truly yours,



Torey E. Cooper
Bookkeeper

OK

TEC

21

Randall J. Knuth, P.C.

Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
Email: rjknuth@rjkpc.com

August 02, 2004

Telephone: 260-484-4526
Facsimile: 260-484-0185

VIA FACSIMILE

Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

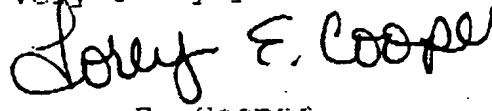
Thank you for your facsimile dated June 18, 2004, and reminder facsimiles dated July 8, 2004, and July 21, 2004, concerning the above-identified invoice.

(*) This Invoice No. 3414 concerns receiving and reviewing an Office Action dated March 23, 2004, NOT October 7, 2003.

If you have any questions, please do not hesitate to contact me.

Please confirm receipt of this facsimile via return facsimile.

Very truly yours,



Torey E. Cooper
Bookkeeper

REÇU
RECEIVED
EMPfangen
Cabinet HERRBURGER

TEC

I/ND/CC

AUGUST 3, 2004

(*) YES, WE UNDERSTAND VERY WELL BUT IN OUR FILE WE HAVE NEVER RECEIVED THE OFFICE ACTION DATED MARCH 23, 2004.

IN OUR FILE, THE ONLY OFFICE ACTION IS THE ONE DATED OCTOBER 7, 2003.

SINCERELY YOURS.

CABINET HERRBURGER

***** RAPPORT D'EMISSION *****

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 03-08-04 12:07

Date/Heure	3-08 12:06
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	0'30"
Mode	NORMAL
Pages	1
Résultat	Correct

Randall J. Knuth, P.C.

Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjknpc.com

Telephone: 260-484-4528
Facsimile: 260-484-0185

randall J. Knuth
email: rjknuth@rjknpc.com

August 02, 2004

VIA FACSIMILE

Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Thank you for your facsimile dated June 18, 2004, and reminder facsimiles dated July 9, 2004, and July 21, 2004, concerning the above-identified invoice.

This Invoice No. 3414 concerns receiving and reviewing an Office Action dated March 23, 2004, NOT October 7, 2003.

If you have any questions, please do not hesitate to contact me.

Please confirm receipt of this facsimile via return facsimile.

Very truly yours,
Torey E. Cooper
Torey E. Cooper
Bookkeeper

TEC

I/ED/CC

AUGUST 3, 2004

YES, WE UNDERSTAND VERY WELL BUT IN OUR FILE WE HAVE NEVER RECEIVED THE OFFICE ACTION DATED MARCH 23, 2004.

IN OUR FILE, THE ONLY OFFICE ACTION IS THE ONE DATED OCTOBER 7, 2003.

SINCERELY YOURS,
CABINET HERRBURGER

RECU
RECEIVED
EMPFANGEN
Cabinet HERRBURGER

23

EXHIBIT 17

CABINET HERRBURGER

De : "Torey Cooper" <tcooper@rjkpc.com>
À : <info@herrburger.com>
Cc : "Jennifer at Work" <jrwalker@rjkpc.com>
Envoyé : mardi 3 août 2004 18:11
Joindre : TOK00-034 Office Action dated 03-23-04.pdf
Objet : U.S. Application No. 10/078,830

August 03, 2004

VIA E-MAIL/FACSIMILE

Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Thank you for your facsimile response dated August 3, 2004.

Per your request please note that a copy of the Office Action dated March 23, 2004, has been e-mailed to you this morning.

If you have any questions, please do not hesitate to contact me.

Please confirm receipt of this facsimile via return facsimile.

Very truly yours,

Torey E. Cooper

Bookkeeper

TEC

<<...>>

.Thank you,

Torey E. Cooper

Bookkeeper

Randall J. Knuth, P.C.

04/08/2004

4921 Desoto Drive

Fort Wayne, IN 46815

Telephone: 260-484-4526 ext. 4#

Facsimile: 260-484-0185

email: tcooper@rjkpc.com

This message and any files attached herewith are confidential and may contain privileged material for the sole use of the intended recipient. Any unauthorized review, distribution, disclosure, copying, use, or dissemination, either whole or in part, is strictly prohibited. If you are not the intended recipient of the message, please notify the sender immediately and delete the original message and all copies. Because email can be altered electronically, the integrity of this communication cannot be guaranteed.

REC'D MAR 26 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,830	02/19/2002	William Goggin	TOK00-034	6585
22855	7590	03/23/2004	EXAMINER	
RANDALL J. KNUTH P.C. 3510-A STELLHORN ROAD FORT WAYNE, IN 46815-4631			SHAPIRO, JEFFREY A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/078,830	Applicant(s) GOGGIN ET AL	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	<i>ML</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-Qk8) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC §103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicholas et al. Nicholas et al discloses the following.

As described in Claims 1, 5, 13 and 14;

1. generating test data relating to a fuel dispenser (see abstract);
2. storing the test data in a nonvolatile memory (24) within said fuel dispenser (see col. 7, lines 26-29);
- 2a. a controller (15 or 22);

As described in Claims 2 and 15;

3. printing the test data (26);

As described in Claims 3 and 16;

4. transmitting the test data to a remote location (21 and 33);

As described in Claim 4;

5. the generated test data is diagnostic test data (see figures 7-11 and col. 12, lines 35-39);

As described in Claims 6 and 12;

6. said nonvolatile storage means is at least one of EPROM, EEPROM, flash memory, hard drive and NVRAM (see col. 7, lines 36-46);

As described in Claim 7;

7. the fuel dispenser has a display (see col. 7, lines 15-17);

As described in Claim 8;

8. the fuel dispenser comprises a signal receiving device (see figure 3, dispenser interface module (44);

As described in Claim 9;

9. an interface means for connecting to a testing device (42);

As described in Claim 10;

10. a printer for printing test data (26);

As described in Claim 11;

11. a transmitting means for transmitting test data to a remote location (21);

As described in Claims 17 and 18;

12. a switch means for activating the retrieval of the test data and displaying the test data on said display or printing the test data (15 or 52);

At the time of the invention it would have been obvious to one of ordinary skill in the art to have contained all of the components of the system of Nicholas into a single housing. It is noted that this is considered a functional equivalent of Applicant's system, which combines all of said components into one housing. Further, it can be argued that

Applicant's claim language which states that the components are inside the fuel dispenser is met if one construes the entire system of Nicholas as a fuel dispenser, or a fuel dispenser system. A dispenser has something which contains the items or liquid to be dispensed, such as a tank, and also has control circuitry and software connected to it in order to operate it and run test or diagnostic routines on the system. Therefore, it would have been obvious to obtain the invention as described in Claims 1-18 by the teachings and disclosure of Nicholas.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terranova et al (US 6,112,134) in view of Clarke (US 5,569,922). Terranova discloses the following.

As described in Claims 1, 5, 13 and 14;

1. generating test data relating to a fuel dispenser (see figures 2 and 3, noting test step (26), and col. 6, lines 4-48);
2. storing the test data in a nonvolatile memory (see col. 7, lines 5-12 and 33-42) within said fuel dispenser;
- 2a. a controller (350);

As described in Claims 3 and 16;

4. transmitting the test data to a remote location (see col. 7, lines 33-42);

As described in Claim 4;

5. the generated test data is diagnostic test data (see figures 2, 3 and col. 6, lines 4-9);

As described in Claims 6 and 12;

6. said nonvolatile storage means is at least one of EPROM, EEPROM, flash memory, hard drive and NVRAM (see col. 7, lines 33-36, which describes storage in several memory devices which can be considered functional equivalents of the recited memory devices-see also Terranova Claim 26, col. 10, lines 20-29);

(Note also Sinha et al (US 5,606,130), incorporated by reference in Terranova at col. 3, lines 19-21. Figure 1 of Sinha illustrates a computer (22) with disc drives and hard drives for controlling and interacting with octane rating monitoring equipment/sensors. See also col. 3; line 67 and col. 4, lines 2-3.)

As described in Claim 7;

7. the fuel dispenser has a display (351, 352);

As described in Claim 8;

8. the fuel dispenser comprises a signal receiving device (see Terranova Claim 26, col. 10, lines 20-23);

As described in Claim 9;

9. an interface means for connecting to a testing device (42);

As described in Claim 11;

11. a transmitting means for transmitting test data to a remote location
(see col. 7, lines 33-42);

As described in Claims 17 and 18;

12. a switch means for activating the retrieval of the test data and
displaying the test data on said display or printing the test data (note that
the dispenser electronics (350) have electronic switches in the form of
logic switches either constructed within control software or the circuitry
itself);

Terranova does not expressly disclose, but Clarke discloses the following.

As described in Claims 2 and 15;

3. printing the test data;

As described in Claim 10;

10. a printer for printing test data;

(See col. 2, lines 5-10, in which Clarke states that "fuel related problems can then be identified and diagnosed...and the diagnosis can be immediately displayed for the operator." Clarke further states that "[t]he term 'display', as used herein, describes a transient visual display as well as other more permanent records, such as hard copy print outs.")

Both Terranova and Clarke are considered to be analogous art because
Terranova discloses a system of fuel dispensing with monitoring/testing/diagnosis

routines and Clarke discloses a fuel analyzer which for diagnosis of fuel-related problems in an automobile.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to have caused the octane testing output from various parts of the system to be printed in addition to being displayed in displays (351, 352).

The suggestion/motivation would have been to help an operator diagnose octane mixing problems with the fuel dispenser as well as to help maintain mandated inspections by governmental authorities. See Clarke, col. 2, lines 5-10 and Terranova, col. 7, lines 15-17 and 33-42.

Therefore, it would have been obvious to combine Terranova and Clarke to obtain the invention as described in Claims 1-18.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. Claims 1-18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-41 of U.S. Patent No.

6,470,288. Although the conflicting claims are not identical, they are not patentably distinct from each other because both sets of claims recite generating test data relating to a fuel dispenser and storing the test data in a memory within said fuel dispenser, or a functional equivalent thereof.

Response to Arguments

6. Applicant's arguments filed 1/7/04 have been fully considered but they are not persuasive. Nicholas discloses a fuel dispenser monitoring/diagnosis system with structure, function and results substantially the same as Applicant's system. Applicant's admit that the basic components of Nicholas in fact function as Applicant's basic components. Applicant's assert that Nicholas differs from the claimed subject matter because it does not include such components within the fuel dispenser itself, but remotely from the system. However, it can be construed that the fuel dispenser system includes the tank, the site controller, and the dispenser controller, for example. As such, the system of Nicholas performs substantially functions, with substantially the same results, and substantially the same structure as Applicant's system. Simply placing all components into one housing is not considered to significantly affect the operation of such a system. Terranova, cited above, also appears to read on Applicant's claims, as currently written, and reasonably, broadly construed. Therefore, Claims 1-18 are rejected.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is

Application/Control Number: 1 0/078,830

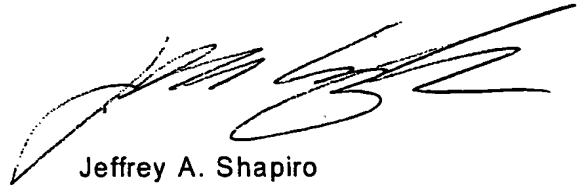
Page 9

Art Unit: 3653

(703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro
Examiner
Art Unit 3653

March 16, 2004

Notice of References Cited	Application/Control No. 101078,830	Applicant(s)/Patent Under Reexamination GOGGIN ET AL.	
	Examiner Jeffrey A. Shapiro	Art Unit 3653	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,112,134	08-2000	Terranova et al.	700/239
	B	US-5,606,130	02-1997	Sinha et al.	73/627
	C	US-5,569,922	10-1996	Clarke, Richard H.	250/339.12
	D	US-6,470,288	10-2002	Keidel et al.	702/122
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-WYY format are publication dates. Classifications may be US or foreign.

24

EXHIBIT 18

CABINET HERRBURGER

De : "CABINET HERRBURGER" <info@herrburger.com>
À : <tcooper@rjkpc.com>
Envoyé : mercredi 4 août 2004 10:03
Objet : Re: U.S. Application No. 10/078,830

I/ND/CC Paris, August 4, 2004

Dear Sir,

We thank you very much for this e-mail.

We would like to know :

- if this Office Action is still pending : in this case, please send us your letter enclosed with the Action and indicate us the deadline),

or

- if you have filed a response to your Patent Office (in this case, we have not received copy of your response).

We thank you very much for your kind co-operation.

Sincerely Yours.

CABINET HERRBURGER

----- Original Message -----

From: Torey Cooper
To: info@herrburger.com
Cc: Jennifer at Work
Sent: Tuesday, August 03, 2004 6:11 PM
Subject: U.S. Application No. 10/078,830

August 03, 2004

VIA E-MAIL/FACSIMILE

Cabinet Pierre Herrburger
 115, Boulevard Haussmann
 75008 Paris
 FRANCE

RE: Invoice No. 3414

Dear Mr. Herrburger:

Thank you for your facsimile response dated August 3, 2004.

Per your request please note that a copy of the Office Action dated March 23, 2004, has been e-

04/08/2004

mailed to you this morning.

If you have any questions, please do not hesitate to contact me.

Please confirm receipt of this facsimile via return facsimile.

Very truly yours,

Torey E. Cooper

Bookkeeper

TEC

<<...>>

Thank you,

Torey E. Cooper

Bookkeeper

Randall J. Knuth, P.C.

4921 Desoto Drive

Fort Wayne, IN 46815

Telephone: 260-484-4526 ext. 4#

Facsimile: 260-484-0185

email: tcooper@rjkpc.com

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25-27

EXHIBIT 19

CABINET HERRBURGER

De : "CABINET HERRBURGER" <info@herrburger.com>
 À : <tcooper@rjkpc.com>
 Envoyé : vendredi 27 août 2004 09:36
 Objet : US Patent Application N° 10/078 830

TDK 00-034

REMINDER

**RAPPEL
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 Cabinet Herrburger

This is further to our e-mail dated August, 4.

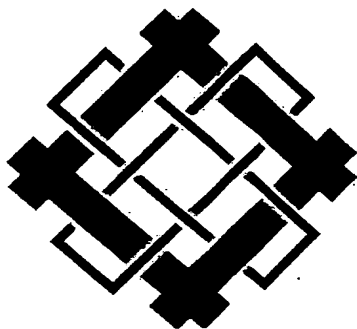
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Salutations

Cabinet HERRBURGER.



We are waiting
 for your response ... 23/09/2004

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

Cabinet HERRBURGER

Conseils en Propriété Industrielle

Mandataires agréés auprès de l'Office Européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Téléfax +33 1 44 51 68 19 - +33 1 47 42 63 98

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TAX: 001 260 484 0185

PARIS, September 13, 2004 + September 22, 2004

I/ND/CC

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*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 22-09-04 17:05

Date/Heure	22-09 17:04
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	0' 33"
Mode	NORMAL
Pages	1
Résultat	Correct

CABINET HERRBURGER

De : "CABINET HERRBURGER" <info@herrburger.com>
 A : <cooper@rjpc.com>
 Envoyé : vendredi 27 août 2004 09:36
 Objet : US Patent Application N° 10/078 830

TDK 00-034

REMINDER

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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
Cabinet HERRBURGER
 Conseil en Propriété Industrielle
 Membres agréés experts de l'Office Européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Téléfax : +33 1 44 51 68 19 - +33 1 47 42 63 98
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Paris, September 13, 2004 + September 22, 2004

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 Cabinet Herrburger

27/08/2004

** RAPPORT D'EMISSION **

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 13-09-04 09:38

Date/Heure	13-09 9:37
Numéro composé	00012604840185
Correspondant	260 484 0185
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Mode	NORMAL
Pages	1
Résultat	Correct

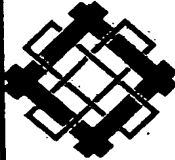
CABINET HERRBURGER

De : "CABINET HERRBURGER" <info@herrburger.com>
A : <cooper@ijpc.com>
Envoyé : vendredi 27 août 2004 09:38
Objet : US Patent Application N° 10/078 830

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Cabinet HERRBURGER
Cabinet de Propriété Industrielle
Membre du réseau agents de l'Office Européen des Brevets
115, Boulevard Haussmann - 75008 PARIS
Tél/fax : +33 1 44 51 68 19 - +33 1 47 42 63 98
Téléphone : +33 1 44 51 68 00
<http://www.herrburger.com> - <http://www.herrburger.fr>
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PARIS, September 13, 2004
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Cabinet Herrburger

27/08/2004



Fondé en 1885

—
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 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

TELECOPIE N° 260 484 0185

CONFIRMATION

RANDALL J. KNUTH P.C.
 Patent Attorney
 4921 Desoto Drive

FORT-WAYNE, IND. 46815
 ETATS-UNIS

Votre Réf. : TOK 00-034

Paris le October 7, 2004

Notre Réf. : I/ND/CC

For the attention to Torey E. Cooper**TOK 00-034**

U.S. Patent Application No. 10/078 830 of February 19, 2002
TOKHEIM CORPORATION

Dear Sir,

We don't understand why we have not a response to our e-mail message dated August 4, 2004 and all our reminders.

We only want to know if the Office Action dated March 23, 2004 is still pending or not.

We remain,

Very Truly Yours.

CABINET HERRBURGER

Encl.: Copy of our e-mail dated August 4, 2004.

Téléphone 01 44 51 68 00
 International +33 1 44 51 68 00
<http://www.herrburger.com>
<http://www.herrburger.fr>

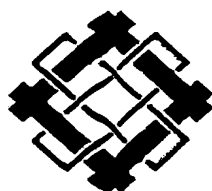
Téléfax 01 47 42 63 98 & 01 44 51 68 19
 International +33 1 47 42 63 98 & +33 1 44 51 68 19

Chèques Postaux
 Paris 346-29 W

Banque de Baecque Beau
 3 rue des Mathurins
 75440 - PARIS Cedex
 Compte 012116H0784 74

E-mail : info@herrburger.com info@herrburger.fr
 Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

29



Fondé en 1885

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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

TELECOPIE N° 260 484 0185

RANDALL J. KNUTH P.C.
Patent Attorney
4921 Desoto Drive

FORT-WAYNE, IND. 46815
ETATS-UNIS

CONFIRMATION

REMINDER

Votre Réf. : TOK 00-034

Notre Réf. : I/ND/CC

Paris le October 7, 2004

OCTOBER 22, 2004

For the attention to Torey E. Cooper

TOK 00-034

U.S. Patent Application No. 10/078 830 of February 19, 2002
TOKHEIM CORPORATION

Dear Sir,

We don't understand why we have not a response to our e-mail message dated August 4, 2004 and all our reminders.



We only want to know if the Office Action dated March 23, 2004 is still pending or not.

We remain,

Very Truly Yours.

CABINET HERRBURGER

Encl.: Copy of our e-mail dated August 4, 2004.


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 22-10-04 14:50

Date/Heure	22-10 14:49
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	0'36"
Mode	NORMAL
Pages	1
Résultat	Correct



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
CABINET HERRBURGER
Conseils en Propriété Industrielle
Membres agréés auprès de l'Office européen des Brevets
115, Boulevard Haussmann - 75008 PARIS

Fondé en 1885

ANCIENNEMENT
Cabinet
BERT, DE KERAUENANT
HERRBURGER

REMINDER

Votre Réf. : TOK 00-034

Notre RM. : I/ND/CC

For the attention to Toray E. Cooper

TOK 00-034

U.S. Patent Application No. 10/078 830 of February 19, 2002
TOKHEIM CORPORATION

Dear Sir,

We don't understand why we have not a response to our e-mail message dated August 4, 2004 and all our reminders.

→ We only want to know if the Office Action dated March 23, 2004 is still pending or not.

We remain,

Very Truly Yours,

CABINET HERRBURGER

Encl.: Copy of our e-mail dated August 4, 2004.

TELECOPIE N° 260 484 0185

RANDALL J. KNUTH P.C.
Patent Attorney
4821 Desoto Drive
FORT-WAYNE, IND. 46815
ETATS-UNIS

Paris le October 7, 2004

OCTOBER 22, 2004

Téléphone 01 44 51 68 00 Téléfax 01 47 42 63 86 & 01 44 51 68 19
International +33 1 44 51 68 00 International +33 1 47 42 63 86 & +33 1 44 51 68 19
http://www.herrburger.com E-mail: info@herrburger.com info@herrburger.fr
Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

Bureau de Banque BNP
3 rue des Mathématiques
75440 - PARIS Cedex
Compte 0121 5942794 74

30

EXHIBIT 22

-----Original Message-----

From: Jennifer Walker [mailto:jrwalker@rjkpc.com]
Sent: Tuesday, November 16, 2004 4:47 AM
To: 'CABINET HERRBURGER'
Subject: FW: TOK00-034

-----Original Message-----

From: Jennifer Walker [mailto:jrwalker@rjkpc.com]
Sent: Friday, October 29, 2004 8:57 AM
To: 'Christelle COSPEREC'
Cc: Victor F Lohmann III; 'rjknuth@rjkpc.com'
Subject: RE: TOK 00-034

Dear Ms Christelle Cosperec,

Upon review of this application, the Office Action dated March 23, 2004 was not responded to, and is no longer pending.

Please advise if your client wishes us to submit a response and request for revival as soon as possible.

Thank you,

Jennifer R. Walker
Executive Paralegal/Office Manager
RANDALL J. KNUTH, P.C.
4921 DeSoto Drive
Fort Wayne, Indiana 46815
Telephone: 260-484-4526 ext. 3#
Facsimile: 260-484-0185
email: jrwalker@rjkpc.com

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-----Original Message-----

From: Christelle COSPEREC [mailto:CC@herrburger.com]
Sent: Friday, October 29, 2004 2:46 AM
To: jrwalker@rjkpc.com
Subject: TOK 00-034

I/ND/CC

TOK 00-034

Paris, October 29, 2004

TOK 00-034
U.S. Patent Application No. 10/078 830 of February 19, 2002
Tokheim Corporation

Dear Madam Jennifer walker,

Further to our previous correspondence (and our reminders), we thank you very much

to keep us informed about the Office Action dated March 23, 2004 with respect to the above U.S. Patent Application.

We remain,

Very Truly Yours.

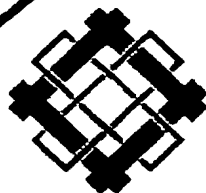
CABINET HERRBURGER

31

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAUENANT
 HERRBURGER
 —

E-Mail: jrwalker@jkpc.com

RANDALL J. KNUTH P.C.
 Patent Attorney
 4921 Desoto Drive

FORT-WAYNE IND. 46815
 U.S.A.

Votre Réf. : TOK 00-034

Paris le November 19, 2004

Notre Réf. : I/MJL/IR

For the attention of Mrs. Jennifer R. Walker

U.S. Patent Application No. 10/078 830 of February 19, 2002
 In the name of: **TOKHEIM CORPORATION**

Dear Mrs. Walker,

we thank you for your letter of November 15.

We are very surprised at the situation in the present procedure in spite of the great number of reminders which we forwarded to you.

Before asking our client for his instructions, please indicate us **by return of mail** the deadline for taking up this procedure.

Of course, in case that our client should decide to pursue this procedure, the costs for such a procedure shall be totally taken over by your law office.

We look forward to hearing from you and are at your entire disposal for any further information you might require,

Yours faithfully,

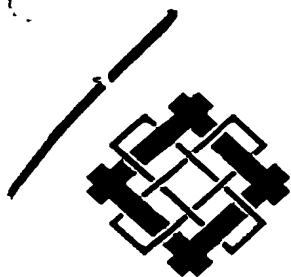
CABINET HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

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BERT, DE KERAVENTANT
HERRBURGER
—

A TRADUIRE EN ANGLAIS

E-MAIL : jrwalker@rjkpc.com

RANDALL J. KNUTH P.C.
Patent Attorney
4921 DeSoto Drive

FORT-WAYNE, IND. 46815
ETATS UNIS

Votre Réf. : TOK 00-034

Paris le November 17, 2004

Notre Réf. : I/MJL/IR

A l'attention de Madame Jennifer R. WALKER

U.S. Patent Application No. 10/078 830 of February 19, 2002
In the name of : TOKHEIM CORPORATION

Madame,

Nous accusons réception de votre courrier du 15 novembre.

Nous sommes très étonnés de la situation dans le cadre de la présente procédure ce malgré les nombreuses lettres de rappel que nous vous avons transmises.

Avant que nous ne sollicitons les instructions de notre cliente, nous vous serions reconnaissants de bien vouloir nous indiquer par retour de quel délai nous disposons pour reprendre cette procédure.

Il va de soi que si notre cliente décidait de poursuivre celle-ci, les frais entraînés pour une telle procédure seraient en totalité supportés par votre cabinet.

Dans cette attente et restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Madame, l'expression de nos salutations distinguées.

CABINET HERRBURGER

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<http://www.herrburger.fr>

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E-mail : info@herrburger.com info@herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

EXHIBIT 24

CABINET HERRBURGER

De : "Jennifer Walker" <jrwalker@rjkpc.com>
 À : "CABINET HERRBURGER" <info@herrburger.com>
 Cc : "Randall J. Knuth (E-mail)" <rjknuth@rjkpc.com>; "Victor F Lohmann III" <vflohmann@rjkpc.com>
 Envoyé : mercredi 24 novembre 2004 14:31
 Objet : RE: U.S. 10/078 830 TOKHEIM CORPORATION // URGENT

U.S. Patent Application No. 10/078 830 of February 19, 2002
 in the name of: **TOKHEIM CORPORATION**

Our Ref: **TOK00-034**

Dear Sirs:

Thank you for your letter. Of course costs would be assumed by our office. I was on leave during the months of September and October and the communications that you sent to our office were not brought to the attention of Mr. Knuth. Should Tokheim B.V. still be interested in prosecution of this application, we should begin the paperwork as soon as possible.

We await your reply.

Thank you,

Jennifer R. Walker
 Executive Paralegal/Office Manager
RANDALL J. KNUTH, P.C.
 4921 DeSoto Drive
 Fort Wayne, Indiana 46815
 Telephone: 260-484-4526 ext. 3#
 Facsimile: 260-484-0185
 email: jrwalker@rjkpc.com

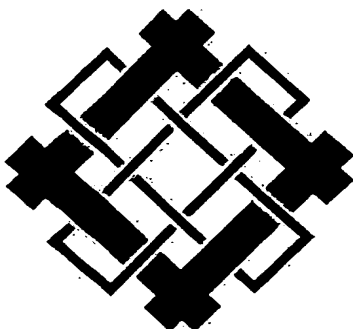
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-----Original Message-----

From: CABINET HERRBURGER [mailto:info@herrburger.com]
Sent: Wednesday, November 24, 2004 4:03 AM
To: jrwalker@rjkpc.com
Subject: U.S. 10/078 830 TOKHEIM CORPORATION // URGENT

Salutations

Cabinet HERRBURGER.



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

Cabinet HERRBURGER

Conseils en Propriété Industrielle

Mandataires agréés auprès de l'Office Européen des Brevets

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Téléphone : +33 1 44 51 68 00

<http://www.herrburger.com> - <http://www.herrburger.fr>
info@herrburger.com - info@herrburger.fr

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24/11/200

mesure où il est la confirmation d'un accord conclu par écrit entre vous et le Cabinet HERRBURGER. Toute publication, utilisation ou diffusion, même partielle, doit être autorisée préalablement. Si vous n'êtes pas destinataire de ce message, merci d'en avertir immédiatement l'expéditeur. Merci.

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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Copie**E-MAIL :****nitecki@plessis.tokheim.com**

TOKHEIM SERVICES FRANCE
 à l'attention de M. NITECKI
 9, avenue Galilée
 92350 LE PLESSIS ROBINSON

Votre Réf. : TOK 00-034

Paris le 25 novembre 2004

Notre Réf. : I/MJL/lc

TOK 00-034

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002
Au nom de : TOKHEIM CORPORATION

Monsieur,

Comme suite à notre entretien du mercredi 24 novembre à nos bureaux, nous vous confirmons que dans le cadre de la procédure citée en objet une première décision a été émise le 7 octobre 2003.

Vous trouverez ci-joint copie de la note qui a été déposée par notre confrère RANDALL J. KNUTH en réponse à cette décision.

Le 14 juin dernier notre confrère nous a transmis une facture que nous n'avons pas pu attribuer vu qu'il nous avait déjà transmis la facture relative à ses frais et honoraires correspondant à la préparation et au dépôt de la réponse à la décision du 7 octobre 2003.

Après de multiples lettres de relance, celui-ci nous a indiqué, au mois d'août dernier, que cette facture correspondait à la transmission d'une nouvelle décision datée du 23 mars dernier dont nous n'avons préalablement jamais reçu copie.

Nous vous avons transmis une copie de cette nouvelle décision lors de notre entretien.

Lorsque nous avons eu connaissance de celle-ci, nous avons immédiatement demandé à notre confrère s'il y avait répondu.

Malgré de multiples rappels, celui-ci nous a indiqué le mardi 16 novembre qu'il n'avait pas répondu à cette décision, mais qu'il était encore possible de faire une demande en continuation de cette procédure.

Vous trouverez ci-joint pour compléter votre dossier copie de ce courrier ainsi que de la lettre que nous lui avons transmis en réponse le 19 novembre dernier.

Nous vous serions donc reconnaissant de bien vouloir nous confirmer que vous êtes toujours intéressé par cette procédure.

En tout état de cause, nous ne pouvons malheureusement que regretter la présente situation.

Restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Monsieur, l'expression de nos sentiments dévoués.

CABINET HERRBURGER

P.J.

34
BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES**CABINET HERRBURGER**Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets**115, Boulevard Haussmann - 75008 PARIS**

Fondé en 1885

—
ANCIENNEMENT
Cabinet
BERT, DE KERAVENTANT
HERRBURGER
—E-MAIL: jrwalker@jkpc.com**RANDALL J. KNUTH P.C.**
Patent Attorney
ATTN : Mrs. Jennifer R. WALKER
4921 Desoto Drive
FORT-WAYNE, IND. 46815
U.S.A.

Votre Réf. :

Paris le November 29, 2004

Notre Réf. : I/MJL/lc/bkm

US Patent Application N° 10/078 830 of February 19, 2002
In the Name of : TOKHEIM CORPORATION

Dear Madam,

We acknowledge receipt of your letter dated November 24, 2004 that we read attentively. We shall inform you as soon as possible about our Client's instructions as to the pursuit of the above-mentioned procedure.

In the meantime, we would be grateful if you could please make sure that no similar situation has occurred in the other cases.

In the meantime, we remain

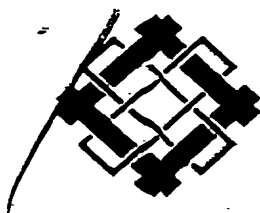
Yours faithfully

CABINET HERRBURGERTéléphone 01 44 51 68 00 Téléfax 01 47 42 63 98 & 01 44 51 68 19
International +33 1 44 51 68 00 International +33 1 47 42 63 98 & +33 1 44 51 68 19<http://www.herrburger.com>
<http://www.herrburger.fr>E-mail : info@herrburger.com info@herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

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Compte 012116H0784 74

36



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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

RANDALL J. KNUTH P.C.
Patent Attorney
4921 Desoto Drive

FORT-WAYNE IND. 46815
U.S.A.

Votre Réf. :

Notre Réf. : I/MJL/IR
TOK00-034

MERCI D'ACCUSER RÉCEPTION
BITTE BESTATIGEN DEN ERHALT
PLEASE ACKNOWLEDGE GOOD RECEIPT

Paris le January 11, 2005

US Patent Application No. 10/078 830 of February 19, 2002
In the name of: TOKHEIM CORPORATION -

TOK00-034

Dear Sirs,

Further to our different letters in this file we confirm that we still do not have received the instructions from our client as to the follow-up of this procedure.

We therefore should be obliged if you would indicate us the deadline for filing the request for revival of this application.

We are at your entire disposal for any further information you might require and look forward to hearing from you,

Yours faithfully,

CABINET HERRBURGER


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 18-01-05 10:15

Date/Heure	18-01 10:14
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	0'36"
Mode	NORMAL
Pages	1
Résultat	Correct



BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES
CABINET HERRBURGER
 Conseil en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets
 116, Boulevard Haussmann - 75008 PARIS

Fondé en 1883

—

ANCIENNEMENT
BERT, DE KERAUENANT
HERRBURGER

RANDALL JONATH P.C.
Patent Attorney
4321 Desoto Drive
FORT-WAYNE IND. 46815
U.S.A.

Votre RM. : MERCI D'ACCUSER RÉCEPTION
BITTE BESTÄTIGEN DEN ERHALT
 Notre RM. : I/MJL/IR PLEASE ACKNOWLEDGE GOOD RECEIPT
 TOK00-034 Paris le January 11, 2005

US Patent Application No. 10/078 830 of February 19, 2002
 In the name of: TOKHEIM CORPORATION -

TOK00-034

Dear Sirs,

Further to our different letters in this file we confirm that we still do not have received the instructions from our client as to the follow-up of this procedure.

We therefore should be obliged if you would indicate us the deadline for filing the request for revival of this application.

We are at your entire disposal for any further information you might require and look forward to hearing from you,

Yours faithfully,
CABINET HERRBURGER

Téléphone 01 44 51 68 00 Télécopie 01 47 42 83 88 & 01 44 51 68 19 Chèques Postaux 3 rue des Mathurins
 International +33 1 44 51 68 00 International +33 1 47 42 83 88 & +33 1 44 51 68 19 Paris 340-20 W 75440 - PARIS Cedex
<http://www.herrburger.com> E-mail : info@herrburger.com info@herrburger.fr Compte 91211542396 74
<http://www.herrburger.fr> Membres d'Union Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté



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BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

REC'D JAN 15 2005

E-Mail: rknuth@rikpc.com

RANDALL J. KNUTH P.C.
Patent Attorney
4921 Desoto Drive

CONFIRMATION

FORT-WAYNE IND. 46815
U.S.A.

Votre Réf. :

Paris le January 11, 2005

Notre Réf. : I/MJL/IR
TOK00-034

US Patent Application No. 10/078 830 of February 19, 2002
In the name of: TOKHEIM CORPORATION -

TOK00-034

Dear Sirs,

Further to our different letters in this file we confirm that we still do not have received the instructions from our client as to the follow-up of this procedure.

We therefore should be obliged if you would indicate us the deadline for filing the request for revival of this application.

We are at your entire disposal for any further information you might require and look forward to hearing from you.

Yours faithfully,

CABINET HERRBURGER

Dear Sirs, We confirm that the deadline must be immediately. The sooner we take action the higher the success rate. Please confirm your instructions.

Téléphone 01 4

51 68 19
51 68 19

Chèques Postaux
Paris 346-29 W

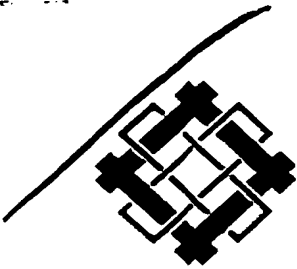
Banque de Baccus Beau
3 rue des Mathurins
75110 PARIS Cedex

TOK00-034 ltr from association - provide deadline.MAX

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



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 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

TOKHEIM SERVICES FRANCE
 à l'attention de M. NITECKI
 9, avenue Galilée
 92350 LE PLESSIS ROBINSON

Votre Réf. : **TOK 00-034**Paris le 1^{er} février 2005

Notre Réf. : I/MJL/IR

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002
 Au nom de : **TOKHEIM CORPORATION**

TOK 00-034

Monsieur,

Nous nous permettons de vous rappeler nos différents courriers dans le cadre de la procédure citée en objet et en particulier notre lettre du 25 novembre dernier dont vous trouverez ci-joint copie pour mémoire.

Notre confrère RANDALL J. KNUTH vient de nous indiquer que si vous désirez poursuivre cette procédure, il serait souhaitable de le faire le plus rapidement possible afin d'augmenter les chances de succès final.

Nous vous serions donc reconnaissants de bien vouloir nous faire part dès que possible de vos instructions définitives.

Dans cette attente et restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Monsieur, l'expression de nos sentiments dévoués.

CABINET HERRBURGER**P.J.**



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HERRBURGER
—

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

Copie

E-MAIL :
nitecki@plessis.tokheim.com

TOKHEIM SERVICES FRANCE
à l'attention de M. NITECKI
9, avenue Galilée
92350 LE PLESSIS ROBINSON

Votre Réf. : TOK 00-034

Paris le 25 novembre 2004

Notre Réf. : I/MJL/lc

TOK 00-034

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002

Au nom de : TOKHEIM CORPORATION

Monsieur,

Comme suite à notre entretien du mercredi 24 novembre à nos bureaux, nous vous confirmons que dans le cadre de la procédure citée en objet une première décision a été émise le 7 octobre 2003.

Vous trouverez ci-joint copie de la note qui a été déposée par notre confrère RANDALL J. KNUTH en réponse à cette décision.

Le 14 juin dernier notre confrère nous a transmis une facture que nous n'avons pas pu attribuer vu qu'il nous avait déjà transmis la facture relative à ses frais et honoraires correspondant à la préparation et au dépôt de la réponse à la décision du 7 octobre 2003.

Après de multiples lettres de relance, celui-ci nous a indiqué, au mois d'août dernier, que cette facture correspondait à la transmission d'une nouvelle décision datée du 23 mars dernier dont nous n'avons préalablement jamais reçu copie.

Nous vous avons transmis une copie de cette nouvelle décision lors de notre entretien.

Lorsque nous avons eu connaissance de celle-ci, nous avons immédiatement demandé à notre confrère s'il y avait répondu.

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<http://www.herrburger.fr>

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Compte 012116H0784 74

E-mail : info@herrburger.com info@herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

Malgré de multiples rappels, celui-ci nous a indiqué le mardi 16 novembre qu'il n'avait pas répondu à cette décision, mais qu'il était encore possible de faire une demande en continuation de cette procédure.

Vous trouverez ci-joint pour compléter votre dossier copie de ce courrier ainsi que de la lettre que nous lui avons transmis en réponse le 19 novembre dernier.

Nous vous serions donc reconnaissant de bien vouloir nous confirmer que vous êtes toujours intéressé par cette procédure.

En tout état de cause, nous ne pouvons malheureusement que regretter la présente situation.

Restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Monsieur, l'expression de nos sentiments dévoués.

CABINET HERRBURGER

P.J.

39

EXHIBIT 30

CABINET HERRBURGER

De : "Jennifer Walker" <jrwalker@rjkpc.com>
 À : "CABINET HERRBURGER" <info@herrburger.com>; "Jean-Pierre NITECKI" <NITECKI@PLESSIS.TOKHEIM.COM>
 Cc : "Victor F Lohmann III" <vflohmann@rjkpc.com>
 Envoyé : mercredi 2 février 2005 20:43
 Joindre : header.htm
 Objet : TOK00-034 f and f client letter re petition to revive

Please Confirm Receipt!

Randall J. Knuth, P.C.

Patent Attorney
 A Professional Corporation
 4921 DeSoto Drive
 Fort Wayne, Indiana 46815
www.rjkpc.com

ith
drjkpc.com

Telephone: (260) 484-4526
 Facsimile: (260) 484-0185

February 2, 2005

VIA FACSIMILE AND E-MAIL

Tokheim Holding B.V.
 C/O Cabinet Pierre Herrburger
 115, Boulevard Haussmann
 75008 Paris FRANCE

RE: U.S. Application No. 10/078,830
 Title: METHOD OF STORING TEST DATA IN A FUEL DISPENSER
 Our Ref: TOK00-034
 Your Ref:

Dear Sirs:

In reply to your request for deadline information in the above-identified application concerning the filing of a petition to revive an application for patent abandoned unintentionally under 37 C.F.R. §1.137(b), we have provided the following remarks.

In brief, we advise that a petition to revive be filed immediately with the Patent Office. As previously reported, the unintentional abandonment of the above-identified application arose from indeliberate failure to reply to the non-final Office Action dated March 23, 2004.

There is no statutory provision or administrative regulation that expressly specifies a terminal amount of time or an exact numerical time period within which a petition to revive must be filed, once an application has become unintentionally abandoned for failure to reply to a non-final Action. However, the relevant patent regulation rules do specify that the entire delay in filing the required reply to the Office Action from the due date for the required reply until the filing of a grantable petition (which accompanies the Office Action reply) must be unintentional. In our situation, there must be unintentional delay between the date the applicant was first notified by the Patent Office that the application was abandoned and the filing of the grantable petition.

Notwithstanding the absence of explicit deadlines fixed either by statute or regulation in the filing of

03/02/2005

petitions to revive, the Patent Office has nevertheless developed policy guidelines that serve to apply this regulatory "unintentional" delay standard to its petitions practice. These guidelines contain certain important time periods that the Patent Office considers in reviewing petitions to revive, notably in evaluating the requirement of unintentional delay. Relevant portions of the Patent Office Manual of Patent Examining Procedure (MPEP) are provided below:

The Office does not generally question whether there has been an intentional or otherwise impermissible delay in filing an initial petition pursuant to 37 CFR 1.137(a) or (b), when such petition is filed: (A) within 3 months of the date the applicant is first notified that the application is abandoned; and (2) within 1 year of the date of abandonment of the application. ...

Where a petition pursuant to 37 CFR 1.137(a) or (b) is not filed within 3 months of the date the applicant is first notified that the application is abandoned, the Office will consider there to be a question as to whether the delay was unavoidable or unintentional. In such instances, ...

(B) the Office may require further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed, and how such delay was "unintentional." (MPEP §711.03(c)(III) (D)). (Emphasis added).

In view of the above, we advise that a petition to revive be filed immediately with the Patent Office.

We look forward to receiving your authorization to prepare and file the petition to revive along with any supporting materials, in addition to receiving your authorization to prepare and file a response to the Office Action dated March 23, 2004 which must accompany the petition filing.

Please acknowledge receipt of this letter via return facsimile.

We await your instructions.

If you have any questions please do not hesitate to contact me.

Very truly yours,

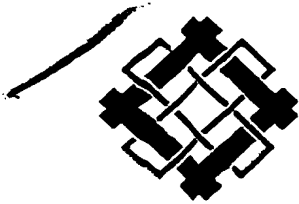
Randall J. Knuth

RJK/jrw2

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

TELECOPIE N° 01 41 36 13 22

TOKHEIM SERVICES FRANCE
 à l'attention de M. NITECKI
 9, avenue Galilée
 92350 LE PLESSIS ROBINSON

Votre Réf. : TOK 00-034

Paris le 4 février 2005

Notre Réf. : I/MJL/IR

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002
 Au nom de : TOKHEIM CORPORATION

TOK 00-034

Monsieur,

Comme suite à notre courrier du 1^{er} février dernier, vous trouverez ci-joint pour compléter votre dossier copie de l'e-mail qui vient de nous être transmis par le Cabinet RANDALL J. KNUTH.

Contrairement aux e-mail précédents de notre confrère, celui-ci a pu nous parvenir sans problèmes...

Nous vous serions donc reconnaissants de bien vouloir nous indiquer dès que possible si vous êtes toujours intéressé par cette procédure et si nous devons demander à notre confrère de préparer et de déposer une « petition to revive ».

Dans cette attente et restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Monsieur, l'expression de nos sentiments dévoués.

CABINET HERRBURGER

P.J.

Téléphone 01 44 51 68 00
 International +33 1 44 51 68 00
<http://www.herrburger.com>
<http://www.herrburger.fr>

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 75440 - PARIS Cedex
 Compte 012116H0784 74

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 04-02-05 14:01

Date/Heure	4-02 14:00
Numéro composé	00141361322
Correspondant	+0141361322
Durée	1' 19"
Mode	NORMAL
Pages	3
Résultat	Correct



Fondé en 1883

ANCIENNEMENT
Cabinet
BERT, DE KERAVENANT
HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle

Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

TELECOPIE N° 01 41 36 13 22

Votre Réf. : TOK 00-034

Paris le 4 février 2005

Notre Réf. : I/MIL/IR

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002
Au nom de : TOKHEIM CORPORATION

TOK 00-034

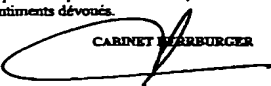
Monsieur,

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CABINET HERRBURGER

P.J.

Téléphone : 01 44 51 68 00 Télécopie : 01 47 42 83 98 A 01 44 51 68 19 Courrier Posteux Paris 340-09 W

International : +33 1 44 51 68 00 International : +33 1 47 42 83 98 A +33 1 44 51 68 19

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Compte 01211042204 74

41

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGERConseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

E-MAIL : nitecki@plessis.tokheim.com
--

TOKHEIM SERVICES FRANCE
 à l'attention de M. NITECKI
 9, avenue Galilée
 92350 LE PLESSIS ROBINSON

Votre Réf. : TOK 00-034

Paris le 4 mars 2005

Notre Réf. : I/MJL/IR

Demande de brevet aux ETATS-UNIS N° 10/078 830 du 19 février 2002Au nom de : **TOKHEIM CORPORATION****TOK 00-034**

Monsieur,

Comme suite à nos différents entretiens, vous trouverez ci-joint copie d'un courrier qui vient de nous être transmis par notre confère RANDALL J. KNUTH.

Nous supposons que vous avez également reçu copie de ce courrier.

En tout état de cause, nous vous serions reconnaissants de bien vouloir nous indiquer si vous êtes toujours intéressé par la poursuite de cette procédure.

Dans cette attente et restant à votre entière disposition pour vous donner tout renseignement complémentaire que vous pourriez souhaiter, nous vous prions d'agréer, Monsieur, l'expression de nos sentiments dévoués.

CABINET HERRBURGER

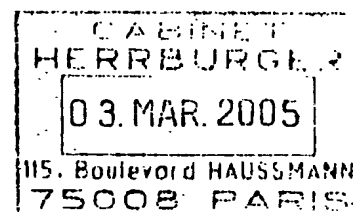
P.J.

CABINET HERRBURGER

De : "Jennifer Walker" <jrwalker@rjkpc.com>
À : "CABINET HERRBURGER" <info@herrburger.com>; "Jean-Pierre NITECKI" <NITECKI@PLESSIS.TOKHEIM.COM>
Envoyé : jeudi 3 mars 2005 10:08
Joindre : TOK00-034 f and f client letter re petition to revive.doc
Objet : Need Answer!

Thank you, -

Jennifer R. Walker
Executive Paralegal/Office Manager
RANDALL J. KNUTH, P.C.
1921 DeSoto Drive
Fort Wayne, Indiana 46815
Telephone: 260-413-9496
Facsimile: 260-484-0185
email: jrwalker@rjkpc.com



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Randall J. Knuth, P.C.

Patent Attorney
A Professional Corporation
4921 DeSoto Drive
Fort Wayne, Indiana 46815
www.rjkpc.com

Randall J. Knuth
Email: rjknuth@rjkpc.com

Telephone: (260) 484-4526
Facsimile: (260) 484-0185

February 2, 2005

VIA FACSIMILE AND E-MAIL

Tokheim Holding B.V.
C/O Cabinet Pierre Herrburger
115, Boulevard Haussmann
75008 Paris FRANCE

RE: U.S. Application No. 10/078,830
Title: METHOD OF STORING TEST DATA IN A FUEL DISPENSER
Our Ref: TOK00-034
Your Ref:

Dear Sirs:

In reply to your request for deadline information in the above-identified application concerning the filing of a petition to revive an application for patent abandoned unintentionally under 37 C.F.R. §1.137(b), we have provided the following remarks.

In brief, we advise that a petition to revive be filed immediately with the Patent Office. As previously reported, the unintentional abandonment of the above-identified application arose from indeliberate failure to reply to the non-final Office Action dated March 23, 2004.

There is no statutory provision or administrative regulation that expressly specifies a terminal amount of time or an exact numerical time period within which a petition to revive must be filed, once an application has become unintentionally abandoned for failure to reply to a non-final Action. However, the relevant patent regulation rules do specify that the entire delay in filing the required reply to the Office Action from the due date for the required reply until the filing of a grantable petition (which accompanies the Office Action reply) must be unintentional. In our situation, there must be unintentional delay between the date the applicant was first notified by the Patent Office that the application was abandoned and the filing of the grantable petition.

Notwithstanding the absence of explicit deadlines fixed either by statute or regulation in the filing of petitions to revive, the Patent Office has nevertheless developed policy guidelines that serve to apply this regulatory "unintentional" delay standard to its petitions practice. These guidelines contain certain important time periods that the Patent Office considers in reviewing petitions to revive, notably in evaluating the requirement of unintentional delay. Relevant portions of the Patent Office Manual of Patent Examining Procedure (MPEP) are provided below:

The Office does not generally question whether there has been an intentional or otherwise impermissible delay in filing an initial petition pursuant to 37 CFR 1.137(a) or (b), when such petition is filed: (A) within 3 months of the date the applicant is first notified that the application is abandoned; **and** (2) within 1 year of the date of abandonment of the application. ...

Where a petition pursuant to 37 CFR 1.137(a) or (b) is not filed within 3 months of the date the applicant is first notified that the application is abandoned, the Office will consider there to be a question as to whether the delay was unavoidable or unintentional. In such instances, ...

(B) the Office may require further information as to the cause of the delay between the date the applicant was first notified that the application was abandoned and the date a 37 CFR 1.137(b) petition was filed, and how such delay was "unintentional." (MPEP §711.03(c)(III)(D)). (Emphasis added).

In view of the above, we advise that a petition to revive be filed immediately with the Patent Office.

We look forward to receiving your authorization to prepare and file the petition to revive along with any supporting materials, in addition to receiving your authorization to prepare and file a response to the Office Action dated March 23, 2004 which must accompany the petition filing.

Please acknowledge receipt of this letter via return facsimile.

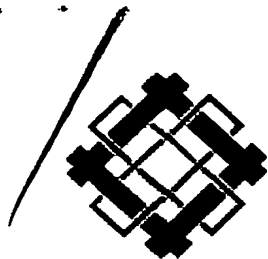
We await your instructions.

If you have any questions please do not hesitate to contact me.

Very truly yours,

Randall J. Knuth

RJK/jrw2



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS**BY FACSIMILE N° 260-484 0185****E-mail: riknuth@rikpc.com**

RANDALL J. KNUTH P.C.
Patent Attorney

4921 DeSoto Drive
FORT-WAYNE, IND. 46815
U.S.A.

Votre Réf. : TOK00-034**Paris le March 21, 2005****Notre Réf. : I/MJL/IR/bkm**

US Patent Application N° 10/078 830 of February 19, 2002
In the Name of: TOKHEIM CORPORATION

TOK00-0034

Dear Sirs,

Further to our previous correspondence, we confirm that our client has decided to pursue the above-mentioned procedure.

Please prepare and file a Petition to Revive as well as a reply to the Office Action of March 23, 2004.

We would like to remind you that, in accordance with your letter of November 24, 2004 the costs for this formality are entirely at your charge.

Yours faithfully

CABINET HERRBURGER


*** RAPPORT D'EMISSION ***

Nom : CABINET HERRBURGER

Numéro : 01 44 51 68 19

Date : 21-03-05 15:04

Date/Heure	21-03 15:02
Numéro composé	00012604840185
Correspondant	260 484 0185
Durée	1'34"
Mode	NORMAL
Pages	3
Résultat	Correct



Fondé en 1888

ANCIENNEMENT
Cabinet
BERT, DE KERAUENANT
HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

118, Boulevard Haussmann - 75008 PARIS

CONFIRMATION

Votre Réf. : TOK00-034

Motre Réf. : I/MJL/IR/blcm

BY FACSIMILE N° 260-484 0185

E-mail: rlknuth@rlkpc.com

RANDALL J. KNUTH P.C.
Patent Attorney

4821 DeSoto Drive
FORT-WAYNE, IND. 46815
U.S.A.

Paris le March 21, 2005

US Patent Application N° 10/078 830 of February 19, 2002
In the Name of: TOKHEIM CORPORATION

TOK00-0034

Dear Sirs,

Further to our previous correspondence, we confirm that our client has decided to pursue the above-mentioned procedure.

Please prepare and file a Petition to Revive as well as a reply to the Office Action of March 23, 2004.

We would like to remind you that, in accordance with your letter of November 24, 2004 the costs for this formality are entirely at your charge.

Yours faithfully
CABINET HERRBURGER

Téléphone	01 44 51 68 00	YAMAX	01 47 42 63 98	&	01 44 51 68 19	Chèques Postaux	Banque de Commerce Seine
International	+33 1 44 51 68 00	International	+33 1 47 42 63 98	&	+33 1 44 51 68 19	Paris 348-29 W	3 rue des Mathurins
http	cabinet.herrburger.com		E-mail :		info@herrburger.com		75008 - PARIS Cedex
http	cabinet.herrburger.fr						Compte 8121 58-02/81 74

Membres d'Honneur : Association Agréée - ARA-PI - Le règlement des honoraires par chèque est accepté

CABINET HERRBURGER

De : "Jennifer Walker" <jrwalker@rjkpc.com>
À : "'CABINET HERRBURGER'" <info@herrburger.com>; "'Jean-Pierre NITECKI'"
<NITECKI@PLESSIS.TOKHEIM.COM>; "Victor F Lohmann III" <vflohmann@rjkpc.com>
Cc : "'Anne-Sophie PUCHAUD'" <PUCHAUD@TREMBLAY.TOKHEIM.COM>; "'Randall J. Knuth'"
<rjknuth@rjkpc.com>
Envoyé : lundi 21 mars 2005 17:02
Joindre : TOK00-034 Prepare Revival.TIF
Objet : Emailing: TOK00-034 Prepare Revival

Dear Sirs,

Thank you for your facsimile instructions to prepare and file a revival for TOK00-034. We will proceed with these instructions immediately and report to you as soon as possible.

Thank you,

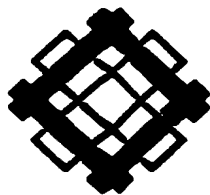
Jennifer R. Walker
Executive Paralegal/Office Manager
RANDALL J. KNUTH, P.C.
4921 DeSoto Drive
Fort Wayne, Indiana 46815
Telephone: 260-413-9496
Facsimile: 260-484-0185
email: jrwalker@rjkpc.com

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The message is ready to be sent with the following file or link attachments:

TOK00-034 Prepare Revival

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Fondé en 1885

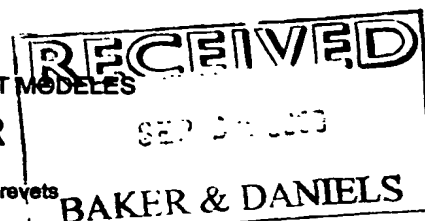
ANCIENNEMENT
Cabinet
BERT, DE KERAVENTANT
HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

**TELECOPIE N° 1 260 460 1700**

BAKER & DANIELS
111E, Wayne Street
Suite 800
FORT WAYNE, INDIANA 46802
ETATS-UNIS

CONFIRMATION

Votre Réf. :

Paris le September 15, 2006

Notre Réf. : I/ND/CC

U.S. Patent Applications

Applicants: **TOKHEIM HOLDING B.V.**
TOKHEIM CORPORATION
TOKHEIM SERVICES FRANCE

Dear Sirs,

Please find below a list of U.S. Patent Applications filed by Tokheim Holding B.V., Tokheim Corporation or Tokheim Services France.

Number	Filing date
08/899 718	23.07.1997
09/206 533	27.02.2001
09/225 610	26.02.1999
09/250 423	16.02.1999
09/302 216	29.04.1999
09/349 558	08.07.1999
09/520 762	07.03.2000
09/616 952	14.07.2000
09/617 190	14.07.2000
09/631 897	06.08.1999
09/761 271	16.01.2001
09/976 308	11.10.2001
09/976 803	11.10.2001
09/991 333	14.11.2001
09/996 405	20.11.2001
10/026 211	19.12.2001
10/040 141	02.01.2002

10/060 538	31.01.2002
10/060 638	30.01.2002
10/071 325	07.02.2002
10/078 830	19.02.2002
10/119 259	04.09.2002
10/162 050	04.06.2002
10/222 710	16.08.2002
10/225 775	22.08.2002
10/234 499	04.09.2001
10/235 621	05.09.2002
10/304 169	26.11.2002
10/350 411	25.01.2002
10/364 538	11.02.2002
10/435 986	12.05.2003
60/191 272	22.03.2000
60/296 097	06.05.2001
60/328 034	09.10.2001
60/329 004	12.10.2001
60/387 811	11.06.2002
60/388 663	11.06.2002
60/388 657	11.06.2002
60/448 336	19.02.2003
96/025 315	24.09.1996

We thank you very much to inform us about the present status of these Patent Applications i.e.:

- pending procedures, official action,
- deadline for the settlement of different taxes,
- abandoned Patents with reason,
- granted Patents....

Thanks a lot for your kind co-operation in this matter.

We remain,

Very Truly Yours.


CABINET HERRBURGER

BAKER & DANIELS LLP

EST. 1863

111 E. Wayne Street, Suite 800 • Fort Wayne, Indiana 46802
 Tel. 260.424.8000 • Fax 260.460.1700
 www.bakerdaniels.com

INDIANA
 WASHINGTON, D.C.
 CHINA

September 15, 2006

**VIA FACSIMILE #011-33-1-47-42-63-98 and
 CONFIRMATION BY MAIL**

Cabinet Herrburger
 115, Boulevard Hausmann
 75008 Paris
 FRANCE

Re: STATUS OF PATENTS
 Your Ref.: I/ND/CC
 Our Ref.: HER0026

Gentlemen:

This is to acknowledge and thank you for your facsimile letter of September 15, 2006.

Following is a listing of the applications in question and the current status of each application. Please note, those applications having a N/A in "status" means that we do not have access to this information through the U.S. Patent Office PAIR system because the applications were not published and/or because they have not been granted. These applications are either pending or abandoned.

<u>APPLICATION NO.</u>	<u>STATUS</u>
08/899,818	N/A
09/206,533	Patented 6,195,528, 7 1/2 year maint fee due between 2/27/08 & 8/28/08
09/225,610	N/A
09/250,423	N/A
09/302,216	N/A
09/349,558	N/A
09/520,762	N/A
09/616,952	N/A
09/617,190	N/A
09/631,897	N/A
09/761,271	10/27/03 abandoned failure to respond to office action
09/976,308	5/30/03 abandoned failure to respond to office action
09/976,803	12/1/03 abandoned failure to respond to office action
09/991,333	3/20/06 abandoned failure to respond to office action
09/996,405	3/6/06 abandoned failure to respond to office action
10/026,211	7/26/04 abandoned failure to respond to office action
10/040,141	1/12/06 Notice of Appeal filed, PAIR shows no Appeal Brief filed, due 7/12/06

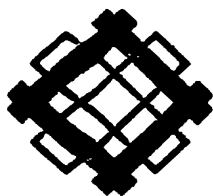
10/060,538	8/3/06 abandoned failure to respond to office action
10/060,638	5/3/04 abandoned failure to respond to office action
10/071,325	7/20/05 abandoned failure to respond to office action
10/078,830	10/15/04 abandoned failure to respond to office action
10/119,259	3/1/06 office action mailed, PAIR shows no response filed, due 9/1/06
10/162,050	8/21/06 abandoned failure to respond to office action
10/222,710	Patented 7051756, 3 1/2 year maint fee due between 6/1/09 & 12/1/09
10/225,775	N/A
10/234,499	2/27/06 office action mailed, PAIR shows no response filed, due 8/27/06
10/235,621	N/A
10/304,169	8/18/06 office action mailed, response due 2/18/07
10/350,411	N/A
10/364,538	Pending, no outstanding actions due as of 9/15/06
10/435,986	6/27/06 abandoned failure to pay issue fee
60/191,272	N/A
60/296,097	7/24/06 abandoned failure to respond to office action (App #10/162,026)
60/328,034	N/A
60/329,004	N/A
60/387,811	N/A
60/388,663	N/A
60/388,657	N/A
60/448,336	N/A
96/025,315	N/A

If you have further questions, please feel free to contact us.

Very truly yours,

Michelle L. Davis
Paralegal

MLD
cc: Anthony Niewyk



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets

115, Boulevard Haussmann - 75008 PARIS

CONFIRMATION*+ CONFIRMATION**Fax: 260 460 1700***

BAKER & DANIELS
 Attorneys at Law
 111 E. Wayne Street, Suite 800

FORT WAYNE, INDIANA 46802
 U.S.A.

Votre Réf. :

Paris le October 27, 2006

Notre Réf. : III ND/MB

PATENTS & PATENT APPLICATIONS in the United States**Portfolio TOKHEIM**

TOKHEIM HOLDING B.V. / TOKHEIM Corporation matters

Procedures – granting taxes and renewal fees

Dear Sirs,

In the framework of the affairs and files previously handled by R. J. KNUTH, we are and will be lead to entrust you with the actions relating to the different files for our client **TOKHEIM**.

Please send us at first a **scale of the renewal fees** and **your fees** in order to set up a tariff for our client. We also would like to have your general price list since different applications are pending and in consideration of the situation we think that we must reply to precise und specific orders of our client.

We thank you for your understanding and your cooperation.

We look forward to hearing from you and remain,

Yours faithfully,


CABINET HERRBURGER

Téléphone 01 44 51 68 00
 International +33 1 44 51 68 00
<http://www.herrburger.com>
<http://www.herrburger.fr>

Téléfax 01 47 42 63 98 & 01 44 51 68 19
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 75440 - PARIS Cedex
 Compte 012116H0784 74

E-mail : Info@herrburger.com Info@herrburger.fr

Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

BAKER & DANIELS LLP

EST. 1863

111 E. Wayne Street, Suite 800 • Fort Wayne, Indiana 46802
Tel. 260.424.8000 • Fax 260.460.1700
www.bakerdaniels.com

ANTHONY NIEWYK
Attorney at Law
Direct 260.460.1695
anthony.niewyk@bakerd.com

INDIANA
WASHINGTON, D.C.
CHINA

October 30, 2006

VIA FACSIMILE CONFIRMATION BY MAIL

Cabinet Herrburger
115, Boulevard Haussmann
75008 Paris
FRANCE

Re: Patents & Patent Applications in the United States - Portfolio TOKHEIM
TOKHEIM HOLDING B.V. / TOKHEIM Corporation Matters
Procedures - granting taxes and renewal fees
Our Ref.: HER0026.

Gentlemen:

This is to acknowledge and thank you for your letter of October 27, 2006 in which you requested us to take over the handling of the files for your client Tokheim. We thank you for entrusting these files to our care.

Enclosed herewith, per your request, please find our most recent Fee Schedule.

Further, you requested "scale of the renewal fees." Please note that the enclosed Fee Schedule lists both the official USPTO as well as our fees for maintenance of U.S. patents.

Please send us a listing of all the Tokheim matters which you wish us to maintain. In connection therewith I note your letter of September 15, 2006 with a complete list of Tokheim matters, as well as our reply letter of September 15, 2006. Our reply letter indicated that a number of the listed applications had been abandoned for failure to respond to USPTO Office Actions. Please advise how you wish to have those cases handled. Additionally, one of the listed cases was abandoned for failure to pay the issue fee. Please advise if you wish us to file a Petition to have the case reinstated.

We look forward to your instructions.

Cabinet Herrburger

-2-

October 30, 2006

This is also to acknowledge and thank you for your letter of October 23, 2006. We shall docket those matters and maintain the patents, per your instructions.

Very truly yours,

Anthony Niewyk

AN:mh

Enc. - Fee Schedule

c: Michelle Davis



Fondé en 1885

—
ANCIENNEMENT
Cabinet
BERT, DE KERAVENTANT
HERRBURGER
—

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
Mandataires agréés auprès de l'Office européen des Brevets

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ETATS-UNIS

Votre Réf. : **HER0026**

Paris le November 13, 2006

Notre Réf. : **IND/CC**For the attention to Anthony Niewyk

Receipt Acknowledged
Date: 11-13-06

U.S. Patent Applications

Applicants: TOKHEIM HOLDING B.V.
TOKHEIM CORPORATION
TOKHEIM SERVICES FRANCE

Dear Sir,

We refer to your facsimile letter dated October 30, 2006 with respect to the above case.

We would like to know the necessary steps to follow in order to revive or reinstate the Patent Applications abandoned for failure to respond to USPTO Office Actions.

We thank you very much for your kind co-operation in this matter.

We remain,

Very Truly Yours.


CABINET HERRBURGER

BAKER & DANIELS LLP

EST. 1863

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ANTHONY NIEWYK
Attorney at Law
Direct 260.460.1695
anthony.niewyk@bakerd.com

INDIANA
WASHINGTON, D.C.
CHINA

November 27, 2006

VIA FACSIMILE #011-33-1-47-42-63-98
CONFIRMATION BY MAIL

Cabinet Herrburger
115, Boulevard Hausmann
75008 Paris
FRANCE

Re: U.S. Patent Applications
TOKHEIM HOLDING B.V.; TOKHEIM CORPORATION; TOKHEIM SERVICES FRANCE
Your Ref.: I/ND/CC
Our Ref.: HER0026

Gentlemen:

Thank you for your facsimile letter of November 13, 2006. I apologize that my response has been delayed due to my absence from the office for a few days.

The necessary steps to revive the abandoned applications are as follows:

File a Petition - A grantable Petition must be accompanied by:

1. The reply to the outstanding office action (i.e., claim amendments and arguments to distinguish the invention from the prior art applied by the examiner and to address other issues in the office action) or the filing of a continuation application or request for continued examination (RCE);
2. The Petition fee in the amount of \$1500.00; and
3. A Statement that the entire delay in filing the required reply was unintentional. The Statement may need to be signed by one of your attorneys or a Tokheim officer.

Please advise us if you wish to pursue reviving any applications and if so, which application numbers you wish to revive. We can then draft the Petition and Statements for your review.

Cabinet Herrburger

2

November 27, 2006

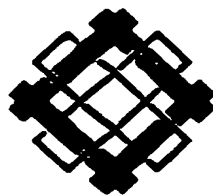
We look forward to your response.

Very truly yours,

Anthony Niewyk

AN12/mh

cc: Adam Cox



Fondé en 1885

—
 ANCIENNEMENT
 Cabinet
 BERT, DE KERAVENTANT
 HERRBURGER
 —

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
 Mandataires agréés auprès de l'Office européen des Brevets

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TELECOPIE N° 1 260 460 1700**CONFIRMATION**

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 ETATS-UNIS

Votre Réf. : **HER0026**

Paris le November 28, 2006

Notre Réf. : **I/ND/CC****For the attention to Anthony Niewyk****U.S. Patent Applications**

Applicants: **TOKHEIM HOLDING B.V.**
TOKHEIM CORPORATION
TOKHEIM SERVICES FRANCE

RECEIVED

DEC 9 : 2006

BAKER & DANIELS LLP

Dear Sir,

We refer to our previous correspondence with respect to the above matter.

Following is a listing of the applications pending or abandoned.

We would like you to take care of all these patent applications.

We thank you very much to inform us about the missing documents you needed in order to deal with these cases.

Our Ref.	Number	Filing date	Status
TOK 97.035	09/206 533	27.02.2001	Patented under No. 6,195,528
TOK 00.008	09/976 803	11.10.2001	Abandoned failure to respond to office action
TOK 00.027	09/991 333	14.11.2001	Abandoned failure to respond to office action
TOK 00.051	09/996 405	20.11.2001	Abandoned failure to respond to office action
TOK 00.006	10/040 141	02.01.2002	No Appeal Brief filed

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Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

Fournier TSF	10/060 538	31.01.2002	Abandoned failure to respond to office action
TOK 00.034	10/078 830	19.02.2002	Abandoned failure to respond to office action
TOK 00.063	10/162 050	04.06.2002	Abandoned failure to respond to office action
TOK 01.005	10/222 710	16.08.2002	Patented under No. 7,051,756
TOK 00.057	10/234 499	04.09.2001	Office action mailed : no response filed
TOK 00.030	10/304 169	26.11.2002	Office action mailed : response due February 18, 2007
TOK 01.007	10/364 538	11.02.2002	Pending
TOK 00.003	10/435 986	12.05.2003	Abandoned failure to pay issue fee
TOK 00.033	60/296 097	06.05.2001	Abandoned failure to respond to office action
TOK 01.008	60/388 657	11.06.2002	No information Enclosed filing receipt

Our client wants to pursue reviving all abandoned patent applications : please do the necessary steps to revive the applications.

Thanks a lot for your kind co-operation in this matter.

We remain,

Very Truly Yours.


CABINET HERRBURGER

Encl.

BAKER & DANIELS LLP

EST. 1863

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ADAM F. COX
Patent AttorneyDirect 260.460.1700
adam.cox@bakerd.com
December 27, 2006INDIANA
WASHINGTON, D.C.

CHINA

VIA FACSIMILE #011-33-1-47-42-63-98
CONFIRMATION BY AIRMAIL**URGENT**Cabinet Herrburger
115, Boulevard Hausmann
75008 Paris
FRANCERe: U.S. Patent Applications
TOKHEIM HOLDING B.V.; TOKHEIM CORPORATION; TOKHEIM SERVICES FRANCE
Your Ref.: I/ND/CC

Gentlemen:

We have reviewed the status of each of the patents and patent applications listed in your letter of November 28, 2006 and wish to advise as to the procedures for revival of those patent applications which have become abandoned.

The patents and patent applications are grouped below by their status, followed by a description of the actions which will need to be taken with respect to each.

Please be advised that under U.S. Patent laws, once the status of a patent application has been established as abandoned, the revival process must proceed as soon as possible. The evidentiary burden that must be overcome regarding the circumstances surrounding the abandonment of a patent application increases the longer the application has been abandoned.

I. Patent applications that have been abandoned for less than one year due to failure to respond to a Non-Final Office Action:

HER0096	Fournier TSF	Office Action mailed December 22, 2005
10/060,538		Notice of Abandonment mailed August 7, 2006
HER0101	TOK00.051	Office Action mailed June 30, 2005
09/996,405		Notice of Abandonment mailed March 9, 2006
HER0103	TOK00.063	Office Action mailed January 24, 2006
10/162,050		Notice of Abandonment mailed August 24, 2006
HER0104	TOK00.057	Office Action mailed February 27, 2006
10/234,499		Notice of Abandonment mailed October 12, 2006

HER0108 TOK00.033
10/162,026

Office Action mailed December 13, 2005
Notice of Abandonment mailed July 26, 2006

For patent applications which have been abandoned for 1 year or less, we recommend filing a Petition for Revival of a patent application which has been unintentionally abandoned. Each petition must include:

(1) The petition fee of \$1500.00.

(2) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Patent Office may require additional information where there is a question as to whether the delay was unintentional; however, this will typically not occur if the petition is filed within one year from the date of abandonment.

(3) The reply required to the outstanding Office Action, unless previously filed. The reply may be either:

a) a response to the outstanding Office Action, including any desired claim amendments and arguments, or

b) the filing of a continuation patent application and application fee in the amount of \$1000.00.

In order for us to prepare and file the Petitions as soon as possible, we recommend filing a continuation application in each of these applications to meet the reply requirement under (3)b rather than a substantive response to the outstanding Office Action per (3)a. The application will then go back to the Examiner, who likely will issue the same or a similar Office Action.

If you wish us to prepare a substantive response to the outstanding Office Action in any of these applications to meet the reply requirement under (3)a, please send us detailed instructions for responding to the outstanding Office Action as soon as possible.

II. Patent applications that have been abandoned for less than one year due to failure to respond to a Final Office Action:

HER0100 TOK00.027
09/991,333

Final Office Action mailed September 7, 2005
Notice of Abandonment mailed March 21, 2006

For patent applications which have been abandoned for 1 year or less, we recommend filing a Petition for Revival of a patent application which has been unintentionally abandoned, which must include:

(1) The petition fee of \$1500.00;

(2) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Patent Office may require additional information where there is a question whether the delay was unintentional; however, this will typically not incur if the petition is filed within one year from the date of abandonment.

(3) The reply required to the outstanding Final Office Action, unless previously filed. The Reply must be one of the following:

- a) a response to the outstanding Final Office Action, including any amendments that cancel all the rejected claims or otherwise *prima facie* places the application in condition for allowance;
- b) a Notice of Appeal and appeal fee in the amount of \$500.00
- c) the filing of an RCE, a response to the Final Office Action including any desired claim amendments and arguments, and a fee in the amount of \$790.00; or
- d) the filing of a continuation patent application and application fee in the amount of \$1000.00.

In order for us to prepare and file the Petition as soon as possible, we recommend filing a continuation application in this application to meet the reply requirement under (3)d rather than the other options. The application will then go back to the Examiner, who likely will issue the same or a similar Office Action.

If you wish us to prepare a substantive response to the outstanding Final Office Action and submit same with an RCE pursuant to option (3)c above, please send us detailed instructions for responding to the outstanding Final Office Action as soon as possible.

III. Patent applications that have been abandoned for over one year.

HER0097	TOK00.008	Office Action mailed April 3, 2003
09/976,803		Notice of Abandonment mailed December 2, 2003
HER0098	TOK00.034	Office Action mailed March 23, 2004
10/078,830		Notice of Abandonment mailed October 8, 2004

The evidentiary burden will be much higher for reviving patent applications which have been abandoned more than one year. The requirements for the Petition to Revive will be similar to those outlined in above; however it is almost certain that the U.S. Patent Office will require significant evidentiary proof as to the reasons and circumstances why the applications became abandoned.

For these applications, please prepare a timeline of events and facts by which you became aware that the patent applications became abandoned, along with suitable evidence, such as correspondence, which proves the events and facts. Based on this information, we can prepare Declarations for your signature or other evidentiary documents as may be necessary.

Similar to the above, we recommend filing a continuation application as the reply rather than a substantive response to the outstanding Office Action, and then wait for the U.S. Patent Office to issue its decision on our Petition to Revive, at which time we can then supply the additional information outlined in the preceding paragraph, if needed.

IV. Patent applications that have been abandoned for less than one year due to failure to respond to a Notice of Appeal (i.e., failure to file an Appeal Brief):

HER0102 TOK00.006
10/040,141

Notice of Appeal mailed January 12, 2006
Appeal Brief due March 12, 2006

Notice of Abandonment mailed December 6, 2006

For patent applications which have been abandoned for 1 year or less, we recommend filing a Petition for Revival of a patent application which has been unintentionally abandoned, which must include:

- (1) The petition fee of \$1500.00
- (2) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Patent Office may require additional information where there is a question whether the delay was unintentional, however, this will typically not incur if the petition is filed within one year from the date of abandonment.
- (3) The reply required to the outstanding Notice of Appeal, which must be one of the following:
 - a) an appeal brief and appeal brief fee in the amount of \$500.00;
 - b) the filing of an RCE, proper response, and fee in the amount of \$790.00; or
 - c) the filing of a continuation patent application and application fee in the amount of \$1000.00.

In order to expedite the timing by which the Petitions may be filed, we recommend filing a continuation application as the reply under (3)c rather than an Appeal Brief or RCE. The application will then go back to the Examiner who likely will issue the same or similar Office Action.

If you wish us to prepare an Appeal Brief pursuant to option (3)a or to prepare a substantive response to the outstanding Final Office Action along with an RCE pursuant to option (3)b above, please send us detailed instructions as soon as possible.

V. Patent applications that have been abandoned for less than one year due to non-payment of Issue Fee:

HER0107 TOK00.003
10/435,986

Notice of Allowance mailed March 6, 2006
Issue Fee/Pub Fee due June 6, 2006

Notice of Abandonment mailed June 27, 2006

For patent applications which have been abandoned due to non-payment of the issue fee and publication fee, we recommend filing a Petition for Revival of a patent application which has been unintentionally abandoned, which must include:

- (1) The petition fee of \$1500.00; and
- (3) The issue fee and publication fee in the amount of \$1700.00.

Thereafter, the application will in all likelihood be granted within 6 months from the submission of the Petition and fees.

VI. Provisional Application

HER0099 TOK01.008
60/388,657

Regarding U.S. Provisional Application No. 60/388,657, it appears to us that International application number PCT/IB03/02981 was filed on June 10, 2003, which claimed priority from U.S. Provisional Application No. 60/388,657.

However, we cannot find that the International application was ever nationalized. Cabinet Herrburger is listed as the agent on the published PCT application publication (WO 03/104138), so perhaps you have more information as to the status of any nationalized applications.

Please advise as to the status of this application. If the PCT application was not nationalized in the U.S., then patent protection in the U.S. will not be possible.

VII. Pending Applications

HER0105 TOK00.030
10/304,169

The final due date for responding to the outstanding Office Action dated August 18, 2006 in the foregoing application is **February 18, 2007**. A copy of the Office Action is enclosed.

Please send us detailed instructions for responding to the foregoing Office Action at your earliest convenience.

HER0106 TOK01.007
10/364,538

This application is pending and awaiting a first Office Action. No action is needed at this time.

VIII. Granted Patents

HER0094 TOK97.035
6,195,528

The first maintenance fee has been paid for this patent. The next maintenance fee is due between February 27, 2008 and May 27, 2008. We have filed the necessary papers in the U.S. Patent Office to ensure future communications are directed to Baker & Daniels LLP.

HER0095 TOK01.005
7,051,756

The first maintenance for this patent is due between February 27, 2008 and May 27, 2008. We have filed the necessary papers in the U.S. Patent Office to ensure future communications are directed to Baker & Daniels LLP.

CONCLUSION

We have prepared and filed a Revocation and New Power of Attorney in each of the pending application files to ensure Baker & Daniels LLP is now the attorney of record and that future correspondence from the U.S. Patent Office will be directed to us.

However, further documents may need to be executed by an officer of Tokheim Corporation, Tokheim Holding, B.V., or Tokheim Services France. We will keep you apprised of further developments.

Please review these matters and advise as to how you wish for us to proceed with respect to Items I-VII. We look forward to hearing from you.

Very truly yours,

Adam F. Cox

AFC/mld

Enclosure - Office Action issued in US 10/304,169 (TOK00.030/HER0105)

cc: Anthony Niewyk



Fondé en 1885

—
ANCIENNEMENT
Cabinet
BERT. DE KERAVENTANT
HERRBURGER
—

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

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115, Boulevard Haussmann - 75008 PARIS

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MERCI D'ACCUSER RÉCEPTION
BITTE BESTATIGEN DEN ERHALT
PLEASE ACKNOWLEDGE GOOD RECEIPT

BAKER & DANIELS
111E, Wayne Street
Suite 800
FORT WAYNE, INDIANA 46802
ETATS UNIS

Votre Réf. :

Paris le February 1, 2007

Notre Réf. : I/PH/pg

Attention to Mr Adam F. COX Esq.

US Patent Applications
TOKHEIM matters

Dear Sir,

After the yesterday call, we contacted again TOKHEIM.

The matter is not yet decided in whole the details.

Your letter dated December 27, 2006 is now studied at TOKHEIM and we insisted on the urgency of the decision of revival.

Unfortunately, it will take time at TOKHEIM to decide in each case, so that we do not have up to now any instruction from TOKHEIM to do something in any case.

The most urgent matter concerning the case HER 0105 - TOK 00.030 will be discussed next week and you will be immediately informed.

Very truly yours


CABINET HERRBURGER

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Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté



Fondé en 1885

ANCIENNEMENT
Cabinet
BERT, DE KERAVENANT
HERRBURGER

BREVETS D'INVENTION - MARQUES - DESSINS ET MODELES

CABINET HERRBURGER

Conseils en Propriété Industrielle
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Votre Réf. : **HER0026**

Paris le February 22, 2007

Notre Réf. : **I/ND/CC****For the attention to Anthony Niewyk****U.S. Patent Applications**

Applicants: **TOKHEIM HOLDING B.V.**
TOKHEIM CORPORATION
TOKHEIM SERVICES FRANCE

Dear Sir,

We refer to our previous correspondence with respect to the above case.

In response to your facsimile letter dated December 27, 2006 and in accordance with the instructions which we have just received from our client, we inform you below about the actions to undertake for each file.

Your Ref.	Our Ref.	Number	Filing date	Step
HER0096	Fournier TSF	10/060 538	31.01.2002	Filing a continuation patent application
HER0101	TOK00.051	09/996 405	20.11.2001	Filing a continuation patent application
HER0103	TOK00.063	10/162 050	04.06.2002	Filing a continuation patent application

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Membre d'une Association Agréée - ARA-PL - Le règlement des honoraires par chèque est accepté

CABINET HERRBURGER

2

HER0104	TOK.00.057	10/234 499	04.09.2001	We are waiting for instructions
HER0108	TOK00.033	10/162 026		We are waiting for instructions
HER0100	TOK00.027	09/991 333	14.11.2004	Filing a continuation patent application
HER0097	TOK00.008	09/976 803	11.10.2001	Abandon
HER0098	TOK00.034	10/078 830	19.02.2002	Filing a continuation patent application
HER0102	TOK00.006	10/040 141	02.01.2002	Abandon
HER0107	TOK00.003	10/435 986	12.05.2003	Filing a Petition for Revival of the patent application
HER0099	TOK01.008	60/388 657	11.06.2002	Abandon
HER0105	TOK00.030	10/304 169	26.11.2002	Amendment filed by yourself on February 16, 2007

We thank you for your kind co-operation in this matter.

We remain,

Very Truly Yours.

CABINET HERRBURGER